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Washington, Thursday, March 9, 1950

TITLE 3—THE PRESIDENT

PROCLAMATION 2875

FURTHER POSTPONING THE EFFECTIVE DATE OF PROCLAMATION NO. 2775[1] OF MARCH 26, 1948, PRESCRIBING CHANGES IN PANAMA CANAL TOLL RATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 411 of title 2 of the Canal Zone Code, approved June 19, 1934, authorizes the President to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal and provides that no tolls when so prescribed shall be changed unless six months' notice thereof is given by the President by proclamation; and

WHEREAS increased tolls for the use of the Panama Canal were prescribed by Proclamation No. 2775 of March 26, 1948, the said proclamation to become effective on October 1, 1948; and

WHEREAS the effective date of the said Proclamation No. 2775 was thereafter postponed until April 1, 1950; and

WHEREAS, in accordance with the recommendation contained in House Report No. 1304, 81st Congress, 1st session, I caused a study and report to be made concerning the organization and operations of the Panama Canal and the Panama Railroad Company; and

WHEREAS in my letter of January 31, 1950, transmitting this report to the Speaker of the House of Representatives, I recommended the enactment by the Congress of legislation which would authorize the transfer of the functions of the Panama Canal (with certain exceptions) to the Panama Railroad Company, the change of the name of the Panama Railroad Company to Panama Canal Company, and the establishment of toll rates by the board of directors of the Panama Canal Company subject to the approval of the President; and

WHEREAS it appears consistent with the public interest to further postpone the effective date of Proclamation No. 2775 until April 1, 1951, so that the Congress may have adequate opportunity for consideration of the report and of my recommendations and for the enactment of appropriate legislation:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, acting under and by virtue of the authority vested in me by the aforesaid section 411 of title 2 of the Canal Zone Code, do hereby proclaim that the effective date of the said Proclamation No. 2775 of March 26, 1948, is further postponed to, and shall be, April 1, 1951.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 6th day of March in the year of our Lord nineteen hundred and fifty, [SEAL] and of the Independence of the United States of America the one hundred and seventy-fourth.

HARRY S. TRUMAN

By the President:

DEAN ACHESON,
Secretary of State.

[F. R. Doc. 50-1975; Filed, Mar. 8, 1950; 11:03 a. m.]

[1] 3 CFR, 1948 Supp.; 13 F. R. 1623.

EXECUTIVE ORDER 10115

RESTORING CERTAIN LAND RESERVED FOR MILITARY PURPOSES TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS a tract of land near Puolo Point, Hanapepe, Island of Kauai, Territory of Hawaii, which forms a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898 (30 Stat. 750), was reserved for military purposes of the United States by Executive Order No. 8388 of April 5, 1940; and

WHEREAS such land is no longer needed for military purposes, and it is deemed advisable and in the public interest that it be restored to the use of the Territory of Hawaii:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

(Continued on p. 1265)

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

The following-described tract of land situate near Puolo Point, adjoining Port Allen Airport, Hanapepe, Island of Kauai, Territory of Hawaii, is hereby restored to the jurisdiction of the Territory of Hawaii:

Beginning at the west corner of this parcel of land, and on the south side of Hawaiian Sugar Company's railroad right-of-way, sixty (60) feet wide, the coordinates of the said point of beginning referred to Government Survey triangulation station "PUOLO" being 2,949.47 feet north and 1,007.07 feet east, thence running by azimuths measured clockwise from true south:

1. 258° 50' 00" 564.45 feet along the south side of Hawaiian Sugar Company's railroad right-of-way; thence along same, on a curve to the left with a radius of 527.20 feet, the direct azimuth and distance being:
2. 245° 38' 45" 240.55 feet;
3. 232° 27' 30" 629.83 feet along same;
4. 2° 54' 30" 28.30 feet along the northwest side of Airport Road; thence along same, on a curve to the right with a radius of 1,402.43 feet, the direct azimuth and distance being:
5. 24° 03' 45" 1,012.21 feet;
6. 45° 13' 00" 157.31 feet along same;
7. 40° 39' 00" 126.18 feet along same;
8. 23° 32' 30" 170.07 feet along same;
9. 57° 08' 00" 98.36 feet along same;
10. 147° 08' 00" 70.00 feet along Port Allen Airport (Governor's Executive Order No. 931);
11. 57° 08' 00" 200.00 feet along same;
12. 147° 08' 00" 130.00 feet along same;
13. 161° 41' 00" 754.87 feet along Port Allen Airport (Governor's Executive Order No. 931) to the point of beginning; containing an area of 17.82 acres, more or less.

HARRY S. TRUMAN

THE WHITE HOUSE,
March 8, 1950.

[F. R. Doc. 50-1976; Filed, Mar. 8, 1950; 11:03 a. m.]

RULES AND REGULATIONS

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS AND INVESTMENT LIMITS; MICHIGAN

For the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units and the investment limit for the county identified below are determined to be as herein set forth. The average value and the investment limit heretofore established for said county, which appear in the tabulations of average values and investment limits under § 311.30, Chapter III, Title 6 of the Code of Federal Regulations (13 F. R. 9381), are hereby superseded by the average value and the investment limit set forth below for said county.

MICHIGAN

County	Average value	Investment limit
Calhoun	$12,000	$12,000

(Sec. 41, 50 Stat. 529, 60 Stat. 1096; 7 U. S. C. 1015. Interprets or applies secs. 3, 44, 60 Stat. 1074, 1069; 7 U. S. C. 1003, 1018)

Issued this 3d day of March 1950.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 50-1921; Filed, Mar. 8, 1950; 9:03 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

[B. E. P. Q. 585]

PART 301—DOMESTIC QUARANTINE NOTICES

ADMINISTRATIVE INSTRUCTIONS AUTHORIZING MOVEMENT FROM HAWAII OF FROZEN FRUITS AND VEGETABLES

On January 21, 1950, notice of proposed issuance of administrative instructions to be designated as 7 CFR 301.13-4a relating to the movement from Hawaii of frozen fruits and vegetables was published in the FEDERAL REGISTER (15 F. R. 365). After due consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the Chief of the Bureau of Entomology and Plant Quarantine, pursuant to the authority conferred upon him by §§ 301.13-2 (b) and 301.13-4 (b) of the regulations supplemental to the Hawaiian Fruit and Vegetable Quarantine (Notice of Quarantine No. 13, 7 CFR 301.13) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), hereby issues revised administrative instructions to appear as § 301.13-4a in Title 7, Code of Federal Regulations, as follows:

§ 301.13-4a *Administrative instructions authorizing the movement from Hawaii of frozen fruits and vegetables.* (a) The type of treatment hereinafter designated as freezing shall be one of the commercially acceptable methods that involves initial freezing at subzero temperatures and subsequent storage at not higher than 0° F., with a storage tolerance of plus 20° F. Such treatments are commonly known as quick freezing, sharp freezing, frozen-pack, or cold-pack. Any equivalent freezing method is also included in this designation.

(b) The Chief of the Bureau of Entomology and Plant Quarantine, pursuant to the authority contained in §§ 301.13-2 (b) and 301.13-4 (b), hereby approves the process of freezing as a treatment for all fruits and vegetables described in § 301.13, except as otherwise provided in paragraph (d) of this section. Such frozen fruits and vegetables

may be certified for movement from Hawaii into or through any other Territory, State, or District of the United States.[1]

(c) The inspector in Hawaii shall determine that such fruits and vegetables are in a satisfactory frozen state before issuing a certificate. The inspector on the mainland will release the shipment on the basis of the certificate issued in Hawaii.

(d) The movement from Hawaii of frozen fruits and vegetables is not authorized when such fruits and vegetables are subject to attack, in the area of origin, by plant pests that may not, in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine, be destroyed by freezing.

(e) Freezing of fruits and vegetables as authorized in these instructions is considered necessary for the elimination of pest risk, and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event of injury resulting to fruits or vegetables offered for movement in accordance with these instructions.

The foregoing instructions supersede the administrative instructions in B. E. P. Q. No. 462, effective September 15, 1937 (7 CFR 319.56–2c) insofar as they relate to the movement from Hawaii of frozen-pack fruits.

This section shall be effective on and after March 9, 1950.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

The purpose of these revised administrative instructions is to authorize the movement from Hawaii under certificate of fruits and vegetables frozen by one of the commercially-acceptable methods known as quick freezing, sharp freezing, frozen pack, or cold-pack. By providing treatments alternative to those previously available, these instructions remove restrictions previously imposed. Accordingly, they are within the exception in section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) and may properly be made effective less than 30 days after their publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 24th day of February 1950.

[SEAL] AVERY S. HOYT,
Acting Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 50–1895; Filed, Mar. 8, 1950; 8:51 a. m.]

[B. E. P. Q. 586]

PART 301—DOMESTIC QUARANTINE NOTICES

ADMINISTRATIVE INSTRUCTIONS AUTHORIZING THE MOVEMENT FROM PUERTO RICO OF FROZEN FRUITS AND VEGETABLES

On January 21, 1950, notice of proposed issuance of administrative instructions to be designated as 7 CFR 301.58–3c relating to the movement from Puerto Rico of frozen fruits and vegetables was published in the FEDERAL REGISTER (15 F. R. 365). After due consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the Chief of the Bureau of Entomology and Plant Quarantine, pursuant to the authority conferred upon him by §§ 301.58–2 and 301.58–3 of the regulations supplemental to the Puerto Rican Fruit and Vegetable Quarantine (Notice of Quarantine No. 58, 7 CFR 301.58) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), hereby issues revised administrative instructions to appear as § 301.58–3c in Title 7, Code of Federal Regulations, as follows:

§ 301.58–3c *Administrative instructions authorizing the movement from Puerto Rico of frozen fruits and vegetables.* (a) The type of treatment hereinafter designated as freezing shall be one of the commercially-acceptable methods that involves initial freezing at subzero temperatures and subsequent storage at not higher than 0° F., with a storage tolerance of plus 20° F. Such treatments are commonly known as quick freezing, sharp freezing, frozen-pack, or cold-pack. Any equivalent freezing method is also included in this designation.

(b) The Chief of the Bureau of Entomology and Plant Quarantine is satisfied that the movement of all fruits and vegetables specified in § 301.58–2, when frozen, will not result in the dissemination of injurious insects. Accordingly, pursuant to the authority contained in the proviso of § 301.58–2, all fruits and vegetables specified therein, when frozen, are hereby removed from a prohibited status and are included in the list for which movement from Puerto Rico into or through any other State, Territory, or District is authorized in § 301.58–3. Freezing is hereby prescribed as an approved treatment meeting the treatment requirements for the movement of fruits and vegetables specified in § 301.58–3.[1]

(c) The inspector in Puerto Rico shall determine that such fruits and vegetables are in a satisfactory frozen state before issuing a certificate. The inspector on the mainland will release the shipment on the basis of the certificate issued in Puerto Rico.

(d) The movement from Puerto Rico of frozen fruits and vegetables is not authorized when such fruits and vegetables are subject to attack, in the area of origin, by plant pests that may not, in the judgment of the chief of the Bureau of Entomology and Plant Quarantine, be destroyed by freezing.

(e) Freezing of fruits and vegetables as authorized in these instructions is considered necessary for the elimination of pest risk, and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event of injury resulting to fruits or vegetables offered for movement in accordance with these instructions.

The foregoing instructions supersede the administrative instructions in B. E. P. Q. No. 462, effective September 15, 1937 (7 CFR 319.56–2c) insofar as they relate to the movement from Puerto Rico of frozen-pack fruits.

This section shall be effective on and after March 9, 1950.

(Secs. 1, 3, 33 Stat. 1269, 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 141, 143, 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

The purpose of these revised instructions is to authorize the movement from Puerto Rico under certification of fruits and vegetables frozen by one of the commercially-acceptable methods known as quick freezing, sharp freezing, frozen-pack, or cold-pack. By providing treatments alternative to those previously available, these instructions remove restrictions previously imposed. Accordingly, they are within the exception in section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003) and may properly be made effective less than 30 days after their publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 24th day of February 1950.

[SEAL] AVERY S. HOYT,
Acting Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 50–1896; Filed, Mar. 8, 1950; 8:51 a. m.]

[B. E. P. Q. 587]

PART 319—FOREIGN QUARANTINE NOTICES

ADMINISTRATIVE INSTRUCTIONS AUTHORIZING IMPORTATION FROM FOREIGN COUNTRIES OF FROZEN FRUITS AND VEGETABLES

On January 21, 1950, notice of proposed issuance of administrative instructions to be designated as 7 CFR 319.56–2c relating to the importation from foreign countries of frozen fruits and vegetables was published in the FEDERAL REGISTER (15 F. R. 365). After due consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, the Chief of the Bureau of Entomology and Plant Quarantine, pursuant to the authority conferred upon him by § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56) under section 5 of the Plant Quarantine Act of 1912 (7 U. S. C. 159), hereby issues revised administrative instructions to appear as § 319.56–2c in Title 7, Code of Federal Regulations, as follows:

§ 319.56–2c *Administrative instructions authorizing the importation from foreign countries of frozen fruits and vegetables.* (a) The type of treatment hereinafter designated as freezing shall be one of the commercially-acceptable methods that involves initial freezing at subzero temperatures and subsequent storage at not higher than 0° F., with a

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[1] Applications for certificates to move frozen fruits and vegetables from Hawaii under this subpart may be made to Bureau of Entomology and Plant Quarantine, Room 248, Federal Building, Honolulu 9, T. H.

[1] Further information concerning the movement of frozen fruits and vegetables from Puerto Rico may be obtained from the Bureau of Entomology and Plant Quarantine, Building "N", Puerto Rican Reconstruction Administration, Avenida Ponce de Leon, P. O. Box 3386, San Juan, P. R.

storage tolerance of plus 20° F. Such treatments are commonly known as quick freezing, sharp freezing, frozen-pack, or cold-pack. Any equivalent freezing method is also included in this designation.

(b) The Chief of the Bureau of Entomology and Plant Quarantine, under authority contained in § 319.56–2, hereby prescribes freezing as a satisfactory treatment for all fruits and vegetables enterable under permit under § 319.56. Such frozen fruits and vegetables may be imported from any country under permit,[1] on compliance with §§ 319.56–1 to 319.56–7, at such ports as shall be authorized in the permits.

(c) Such fruits or vegetables may not be removed from the vessel transporting them until it has been determined by an inspector of the Bureau of Entomology and Plant Quarantine that they are in a satisfactory frozen state on arrival in this country. Upon such determination the inspector will release the shipment.

(d) If the fruits or vegetables in any part of such an importation are found to be unfrozen at the time of inspection upon arrival, the entire shipment shall remain on the transporting vessel under such safeguards as may be prescribed by the inspector of the Bureau of Entomology and Plant Quarantine until it is frozen, transported beyond the territorial waters of the United States, or otherwise disposed of to the satisfaction of the inspector.

(e) The importation from foreign countries of fruits and vegetables is not authorized when such fruits and vegetables are subject to attack, in the area of origin, by plant pests that may not, in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine, be destroyed by freezing.

(f) Freezing of fruits and vegetables as authorized in these instructions is considered necessary for the elimination of pest risk, and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event of injury resulting to fruits or vegetables offered for entry in accordance with these instructions.

The foregoing instructions supersede the administrative instructions in B. E. P. Q. No. 462, effective September 15, 1937 (7 CFR 319.56–2c) insofar as they relate to the importation of frozen-pack fruits. The 1937 instructions are otherwise superseded by administrative instructions in 7 CFR 301.13–4a and 301.58–3c.

This section shall be effective on and after March 9, 1950.

(Sec. 3, 33 Stat. 1270, sec. 9, 37 Stat. 318; 7 U. S. C. 143, 162)

The purpose of these revised administrative instructions is to authorize the importation from foreign countries under permit of fruits and vegetables frozen by one of the commercially-acceptable methods known as quick freezing, sharp freezing, frozen-pack, or cold-pack. By providing treatments alternative to those previously available, these instructions remove restrictions previously imposed. Accordingly, they are within the exception in section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) and may properly be made effective less than 30 days after their publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 24th day of February 1950.

[SEAL] AVERY S. HOYT,
Acting Chief, Bureau of Entomology and Plant Quarantine.

[F. R. Doc. 50–1897; Filed, Mar. 8, 1950; 8:51 a. m.]

[1] Applications for permits to import frozen fruits and vegetables under this subpart may be made to Import and Permit Section, Bureau of Entomology and Plant Quarantine, 209 River Street, Hoboken, N. J.

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Correction

In Federal Register Document 50–1640, appearing on page 1101 of the issue for Wednesday, March 1, 1950, subdivision (iv) of the first proviso under § 957.304 (b) (2) should read: "(iv) shipments of potatoes for canning, dehydration, or manufacture or conversion into starch, flour, meal, and alcohol,".

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regs., Serial No. SR–342]

PART 2—TYPE AND PRODUCTION CERTIFICATES

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, ACROBATIC, AND RESTRICTED-PURPOSE CATEGORIES

PART 4a—AIRPLANE AIRWORTHINESS

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 6—ROTOCRAFT AIRWORTHINESS

PART 13—AIRCRAFT ENGINE AIRWORTHINESS

PART 14—AIRCRAFT PROPELLER AIRWORTHINESS

PART 15—AIRCRAFT EQUIPMENT AIRWORTHINESS

EXTENSION OF DATES FOR COMPLIANCE WITH IDENTIFICATION DATA REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of March 1950.

Amendments 2–1, 3–1, 4a–3, 4b–1, 6–3, 13–1, 14–1, and 15–1, adopted November 2, 1949, as amended by Special Civil Air Regulation SR–339, adopted December 6, 1949, require the installation after March 6, 1950, of prescribed identification plates on aircraft, engines, propellers, and appliances manufactured in accordance with the requirements of each pertinent part. We have been advised that certain manufacturers have been in doubt as to whether such plates were to be attached only to products for which application for appropriate type certificates is made after the effective date of the amendments or to all products manufactured on and after the effective date thereof. We have also been advised that a number of manufacturers have on hand a supply of identification plates which do not fully meet the new requirements but which do meet the former requirements and that they consider it to be an unnecessary economic burden to require them to discard such identification plates.

The previously mentioned amendments were meant to be applicable to all products manufactured on and after the effective date thereof, not merely to products for which applications for type certificates are made after that date. This regulation is designed to clarify such applicability. In view of the misunderstanding as to the applicability of these requirements and in order to insure that deliveries of aircraft and aircraft components will not be interrupted, we are extending the date for compliance with these amended identification plate requirements until April 7, 1950. Therefore, all products manufactured on or after April 7, 1950, shall have attached thereto the prescribed identification plates in accordance with the amended requirements. However, since the identification plate requirement is basically not a safety requirement but rather one the compliance with which facilitates ready recognition and identification of aircraft components, we find that passenger safety will not be adversely affected if the older type plates are used for a reasonable time after April 6, 1950. Accordingly, we are permitting the use of such identification plates until the individual manufacturer's supply becomes exhausted, or until December 31, 1950, whichever date is earlier.

In view of the fact that this regulation clarifies existing requirements and extends the date for compliance therewith, notice and public procedure hereon are impracticable and contrary to the public interest, and the Board finds that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing the Civil Aeronautics Board hereby makes and promulgates a Special Civil Air Regulation effective March 6, 1950, to read as follows:

Contrary provisions of the Civil Air Regulations notwithstanding, the requirements of §§ 2.36, 3.791, 4a.770, 4b.-931, 6.61, 13.22, 14.7, 15.5, 15.11 (g), and 15.12 (h), as amended November 2, 1949, and December 6, 1949, shall not become effective until April 7, 1950, and thereafter shall be applicable only with respect to aircraft and aircraft components manufactured on and after April 7, 1950: *Provided*, That manufacturers who, on December 6, 1949, had on hand a supply of identification plates which meet the requirements of the Civil Air Regulations which were effective December 6, 1949, may use such identification plates until such supply is exhausted or until December 31, 1950, whichever date is earlier.

This regulation shall terminate December 31, 1950, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1008; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 50-1920; Filed, Mar. 8, 1950; 9:02 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5652]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

BABIGLO CO., INC., ET AL.

Subpart—*Claiming indorsements or testimonials falsely:* § 3.330 *Claiming indorsements or testimonials falsely.* Subpart—*Misbranding or mislabeling:* § 3.1185 *Composition;* § 3.1225 *History;* § 3.1235 *Indorsements, approvals or awards;* § 3.1255 *Manufacture or preparation;* § 3.1290 *Qualities or properties.* Subpart—*Using misleading name—Goods:* § 3.2295 *History;* § 3.2305 *Indorsements, approval and testimonials;* § 3.2310 *Manufacture or preparation;* § 3.2325 *Qualities or properties.* In connection with the offering for sale, sale or distribution in commerce of soap products (1) representing, directly or by implication, that any such product the entire oil content of which is not olive oil is made exclusively of olive oil, or that any such product not containing significant quantities of olive oil is made with or contains olive oil; (2) using the word "Hospital", or any other word or words of similar import or meaning, to designate, describe or refer to any such product which has not been approved or endorsed by a hospital; or otherwise representing, directly or by implication, that any such product has been so approved or endorsed; or (3) using the word "Doctor", or any abbreviation or simulation thereof, to designate, describe or refer to any such product not made from a formula or under the supervision of a doctor; or otherwise representing, directly or by implication, that any such product has been so made, or that it has special properties or characteristics which are the result of medical advice; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Babiglo Company, Inc., et al., Docket 5652, January 11, 1950]

In the Matter of Babiglo Company, Inc., a Corporation, and Louis Fundler, and Carrie Fundler, Individually and as Officers of Babiglo Company, Inc., a Corporation.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the joint answer of the respondents, in which answer the respondents admitted all of the material allegations of fact set forth in the complaint and waived all intervening procedure and further hearing as to said facts; and the Commission, having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent Babiglo Company, Inc., a corporation, and its officers, and the respondents, Louis Fundler and Carrie Fundler, individually and as officers of said corporation, and the respective respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of soap products, do forthwith cease and desist from:

1. Representing, directly or by implication, that any such product the entire oil content of which is not olive oil is made exclusively of olive oil, or that any such product not containing significant quantities of olive oil is made with or contains olive oil.

2. Using the word "Hospital," or any other word or words of similar import or meaning, to designate, describe, or refer to any such product which has not been approved or endorsed by a hospital; or otherwise representing, directly or by implication, that any such product has been so approved or endorsed.

3. Using the word "Doctor," or any abbreviation or simulation thereof, to designate, describe, or refer to any such product not made from a formula or under the supervision of a doctor; or otherwise representing, directly or by implication, that any such product has been so made, or that it has special properties or characteristics which are the result of medical advice.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with it.

Issued: January 11, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-1919; Filed, Mar. 8, 1950; 9:02 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 882—DISCHARGE OR RELEASE FROM ACTIVE DUTY

REVISION OF PART

The material contained in Chapter VII, Department of the Air Force, 13 F. R. 8751, pertaining to the applicability of certain portions of Army Regulations to the Department of the Air Force is hereby amended by revoking the reference of Chapter VII, Part 882, Department of the Air Force to Chapter V, Part 582, Department of the Army, and substituting therefor, Part 882, Discharge or release from active duty.

Pursuant to the authority conferred by sections 207 (f) and 208 (e) of the National Security Act (61 Stat. 503, 504; 5 U. S. C. Sup. II, 626 (f), 626c (e), Transfer Order 10, April 27, 1948 (13 F. R. 2428), Transfer Order 16, June 14, 1948 (13 F. R. 3461), and cited laws, the following regulations are hereby prescribed:

MINORITY

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DEPENDENCY OR HARDSHIP

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882.21 Evidence required.
882.22 Policies governing discharge on account of dependency.
882.23 Policies governing discharge on account of hardship.
882.24 Other factors relating to discharge.
882.25 Form of certificate to be given.
882.26 Restriction on reenlistment.
882.27 Concealment of dependency.

AUTHORITY: §§ 882.1 to 882.27 issued under sec. 1, 61 Stat. 191, sec. 307, 62 Stat. 373, sec. 6, 62 Stat. 609; 10 U. S. C. Sup. II, 628, 5 U. S. C. Sup. II, 627 (f), 50 U. S. C. App., Sup. II, 456.

DERIVATION: AFR 39-12, AFR 39-13.

MINORITY

§ 882.1 *Purpose.* Sections 882.1 to 882.10 outline the conditions and procedure under which enlisted personnel of the Air Force may be discharged by reason of minority.

§ 882.2 *Authority*—(a) *When between the ages of 18 and 21.* Subsection 6 (1) of the Selective Service Act of June 24, 1948 (sec. 6 (1), 62 Stat. 613; 50 App. U. S. C. Sup. II, 456) provides that notwithstanding any other provisions of law, no person between the ages of 18 and 21 shall be discharged from service in the Armed Forces of the United States while this title is in effect because such person entered the service without the consent of his parent or guardian.

(b) *When under 18 years of age.* The act of June 28, 1947 (sec. 1, 61 Stat. 191; 10 U. S. C. Sup. II, 628) provides that no person under the age of 18 years shall be enlisted without the written consent of his parents or guardian, and the Secretary of the Air Force shall, upon application of the parents or guardian of any such person enlisted without their written consent, discharge such person from the military service with pay and with the form of discharge certificate to which the service of such person, after enlistment, shall entitle him.

(c) *Enlisted women (WAF).* Section 305 of the Women's Armed Services Integration Act of June 12, 1948 (sec. 305, 62 Stat. 373; 5 U. S. C. Sup. II, 627 (f)),

provides that no woman who has not attained the age of 18 shall be enlisted in the Regular Air Force and that no woman under the age of 21 years shall be enlisted in the Regular Air Force without the written consent of her parents or guardians, if any. Subsection 307 (b) of the above mentioned act provides that the Secretary of the Air Force, under the circumstances and in accordance with the regulations prescribed by the President, may terminate the enlistment of any female person in the Regular Air Force.

§ 882.3 *Application of laws*—(a) *Enlisted man between the ages of 18 and 21.* No enlisted man between the ages of 18 and 21 years will be discharged from the service because he entered the service without the consent of his parent or guardian.

(b) *Enlisted men and women under ages of 17 and 18, respectively, at enlistment.* An enlisted man who is under 17 years of age or an enlisted woman who is under 18 years of age will be discharged when it is discovered that such person is under the age of 17 years or 18 years, respectively. Satisfactory evidence concerning date of birth is required.

(c) *Enlisted man 17 years of age at enlistment.* Subject to the provision of paragraph (a) of this section, an enlisted man 17 years of age at the time of enlistment and who enlisted without the written consent of his parents or guardian will be discharged upon application of the parents or guardian and presentation of satisfactory evidence concerning date of birth. An enlisted man who enlisted when 17 years of age with the written consent of his parents or guardian will not be discharged.

(d) *Enlisted woman between the ages of 18 and 21 at enlistment.* An enlisted woman between the ages of 18 and 21 years at the time of enlistment and who enlisted without the written consent of her parents or guardian will be discharged upon application of the parents or guardian and presentation of satisfactory evidence concerning date of birth; but no such woman will be discharged under the provisions of §§ 882.1 to 882.10 after reaching the age of 21 years.

§ 882.4 *Evidence required*—(a) *Birth certificate or other record of birth.* In support of an application for discharge under the provisions of §§ 882.1 to 882.10, the following evidence of age is required:

(1) A duly authenticated copy of a birth certificate or statement from the State Registrar of Vital Statistics, or other similar State official, or

(2) If no official record of the birth of the individual can be obtained, an affidavit of the parent or guardian must be furnished stating specifically why an official record cannot be obtained. This affidavit must be accompanied by a notarized copy of the school record, from the first school attended, showing the date of birth or age on attendance.

(b) *Enlistment under an assumed name.* In case of an enlistment under an assumed name, the identity of the individual with the person mentioned in the record of birth or the affidavits must be shown by the affidavit of the parent or legal guardian.

(c) *Altered or delayed birth certificates.* Birth certificates will be scrutinized carefully for alterations other than those made officially. Care will be taken to note the "date of filing." A delayed birth certificate with a date of filing subsequent to December 31, 1936, or one with no filing date, is not acceptable unless supported by evidence required by the State to establish the date and place of filing.

(d) *When parental custody is involved.* If the parents are divorced, the application for discharge must be accompanied by a copy of the court order or other evidence showing that the parent submitting the application has custody of the enlisted man. If either parent has lost control of the enlisted man by judgment of a court, appointment of a guardian, desertion of family, or waiver, such parent has no right to apply for discharge of the enlisted man.

(e) *Guardians.* While a guardian usually is not recognized as such unless legally appointed, nevertheless, when a person has assumed support of a minor and performed the duties of guardian for some years after the death of the parents, that person is recognized as a guardian even though not formally appointed.

§ 882.5 *Delegation of authority.* Authority to order discharge under the provisions of §§ 882.1 to 882.10 is delegated to commanders of all units or installations, commanded by or the normal command of general officers, commanding officers of personnel centers, training centers, oversea replacement depots, ports of aerial embarkation, and all active Air Force installations having an authorized military strength of 4,000 or more men. Any doubtful case will be forwarded to the Director of Military Personnel, Headquarters United States Air Force, Washington 25, D. C., for decision.

§ 882.6 *Allowances.* An individual discharged on account of minority is entitled to pay and allowances including travel pay.

§ 882.7 *When under charges or in confinement.* When a minor, who otherwise is eligible for discharge for minority, is under charges or serving a sentence or confinement for a serious offense, he will not be discharged for minority until proper disposition has been made of his case. After proper disposition has been made of the case, immediate action will be taken by the appropriate discharge authority, under the provisions of pertinent Air Force Regulations to effect the discharge of such personnel.

NOTE: Air Force Regulation 39-10 states that at any time, and notwithstanding the fact that discharge has been directed by higher authority for other reasons, when the immediate commanding officer is of the opinion that an individual's service is not satisfactory and that he is not entitled to an honorable or general discharge, the immediate commander will promptly initiate action under the provisions of the appropriate Air Force Regulation to determine the type of discharge certificate to be given.

§ 882.8 *Return from overseas.* An individual outside the Continental limits of the United States will be returned to the United States prior to discharge on account of minority.

§ 882.9 *Indebtedness or confinement by civil authorities.* Indebtedness to the Government, or to an individual, or confinement by civil authorities, does not prevent discharge for minority when an individual otherwise is eligible.

§ 882.10 *Form of certificate to be given.* Air Force Form 438, "Honorable Discharge," or Air Force Form 439, "General Discharge," will be given, notwithstanding the fact that the enlistment may have been obtained by misrepresentation concerning age or consent of parents or guardian.

DEPENDENCY OR HARDSHIP

§ 882.16 *Purpose.* Sections 882.16 to 882.27 outline the conditions under which enlisted personnel of the Air Force may be discharged or released from active duty by reason of dependency or hardship.

§ 882.17 *Authority*—(a) *Discharge.* Except as provided in paragraph (b) of this section, an individual may, in the discretion of the Secretary of the Air Force, be discharged for:

(1) Dependency when, by reason of death or disability of a member of his family occurring after his enlistment or induction, members of his family become principally dependent upon him for care or support (sec. 29, 41 Stat. 775; 10 U. S. C. 652), or

(2) Hardship when, under circumstances not involving death or disability of a member of his family, his separation from the service will materially affect the care or support of his family by alleviating undue hardship (sec. 4, 55 Stat. 627; 50 App. U. S. C., 354).

(b) *Release from active duty.* Male individuals who, prior to the 26th anniversary of the day of birth, are inducted or enlisted for active service on or after June 24, 1948, and serve for a period of less than three years, will not be discharged but will be released from active duty and transferred to the Air Force Reserve for completion of obligation.

§ 882.18 *Requirements.* Discharge or release from active duty is authorized and may be directed when it is determined that:

(a) Undue and genuine dependency or hardship exists.

(b) Dependency or hardship is not of a temporary nature.

(c) Conditions have risen or have been aggravated to an excessive degree since entry into the service.

(d) The individual has made every reasonable effort to alleviate hardship, by means of application for family allowance and voluntary contributions, which has proven inadequate, and

(e) Discharge or release from active duty of the individual will result in the elimination of or will materially alleviate the condition, and that there are no means of alleviation readily available other than by such discharge or release from active duty.

§ 882.19 *Delegation of authority.* Authority to order discharge under the provisions of §§ 882.16 to 882.27 is delegated to commanders of all units or installations, commanded by or the normal command of general officers, commanding officers of personnel centers, training centers, oversea replacement depots, ports of aerial embarkation, and all active Air Force installations having an authorized military strength of 4,000 or more men.

§ 882.20 *Application.* Any individual will be permitted to submit a written application for discharge for dependency or hardship. Such requests will be submitted as follows:

(a) *When individual is in the United States.* An individual stationed in the United States will submit his application to his immediate commanding officer and his application will be supported by the evidence required in § 882.21. An individual assigned to an oversea unit but temporarily in the United States will submit his application to the commanding officer of the unit or installation in the United States to which he is attached or, if not attached, to which he initially reports for processing in connection with his return to the oversea station.

(b) *When the individual is overseas.* An individual stationed overseas will submit his application, with such supporting evidence as he may have readily available, to his immediate commanding officer. An individual assigned to a unit or installation within the United States but temporarily in an oversea theater, will submit his application, with such supporting evidence as he may have readily available, to the commander of the oversea theater in which he is located.

(c) *When families of enlisted personnel may submit.* Families of oversea enlisted personnel may submit requests for dependency or hardship discharge to the Director of Military Personnel, Headquarters United States Air Force, Washington 25, D. C. Such requests will be supported by the evidence required in § 882.21.

(d) *Applications finally disapproved.* Applications that have been finally disapproved will become part of the record of the individual, and a new application will not be processed unless there is material new evidence to support a new application.

§ 882.21 *Evidence required*—(a) *General.* The evidence required for dependency or hardship discharge normally will be in affidavit form. The evidence must be that required to substantiate the dependency or hardship condition as outlined in § 882.18.

(b) *Affidavits and certificates.* Affidavits or statements by or on behalf of an airman's dependents, and by at least two disinterested agencies or individuals substantiating the dependency or hardship claim, may be accepted from responsible agencies or individuals having first-hand knowledge of the circumstances involved. If dependency or hardship is the result of the death of a member of an airman's family occurring after his entrance into the cervice, a certificate or other valid proof of death will be furnished. If dependency or hardship is the result of disability of a member of the airman's family occurring after his entrance into the service, a physician's certificate will be furnished showing specifically when such disability occurred and the nature thereof. There also will be furnished the names, ages, occupations, locations, and monthly incomes of members of the airman's family, and reasons why these members cannot provide the necessary care or support of the airman's family.

§ 882.22 *Policies governing discharge on account of dependency*—(a) *General.* The death or disability must be that of a member of the airman's family and the person becoming dependent thereby must be a member of the airman's family.

(b) *Existence of dependency.* Death or disability occurring in the airman's family is not sufficient ground for discharge on account of dependency unless it results in making a member of his family dependent upon him for care or support.

(c) *Aggravation of existing disability after enlistment.* When disease or disability of a member of the airman's family existed prior to enlistment, but becomes aggravated after enlistment to such an extent as to make care or support by the enlisted person necessary, discharge under the provisions of §§ 882.16 to 882.27 is authorized.

(d) *Pregnancy of airman's wife.* Pregnancy of an airman's wife is not a disability for which discharge may be authorized. This does not preclude discharge on account of disability occuring as the result of pregnancy.

§ 882.23 *Policies governing discharge on account of hardship*—(a) *Death or disability of dependents.* Death or disability of dependents is not required as a condition for discharge under hardship conditions.

(b) *Existence of hardship conditions.* An airman may be discharged for reasons of hardship when the evidence submitted indicates that undue and unforeseeable hardship conditions have arisen in his family since enlistment, and that his discharge will contribute materially to the care or support of his family and alleviate the hardship. Undue hardship exists when the family of the individual concerned must endure hardship conditions beyond those normally incident to military service as a result of his military status. Undue hardship does not necessarily exist solely because of altered present or expected income, or because the airman is separated from his family, or must suffer the inconveniences normally incident to military service. Doubtful cases may be referred to the Director of Military Personnel, Headquarters United States Air Force, for final action.

§ 882.24 *Other factors relating to discharge*—(a) *Term "members of the family" defined.* For the purpose of discharge under §§ 882.16 to 882.27, the term "members of the family" includes the following: spouse, children, father, mother, brothers, sisters, any person who has stood in loco parentis to the airman prior to his entry into the service, and members of the immediate family of the airman's spouse.

(b) *Indebtedness to the Government.* Indebtedness to the Government or to an individual does not prevent discharge when the airman otherwise is eligible.

(c) *Under charges or in confinement.* When an individual is under charges or in confinement he will not be discharged until his case has been properly disposed of. A sentence of confinement will be fully served unless sooner terminated by remission for mitigating causes arising from the airman's own good conduct before a discharge for any cause may be given.

(d) *When airman's services are needed in organization.* When an individual is eligible for discharge under the provisions of §§ 882.16 to 882.27, discharge will not be disapproved because his services are needed in his organization.

(e) *Assistance to enlisted personnel and their dependents.* Enlisted personnel, or their dependents, on their own initiative, may request American Red Cross local chapters or other agencies for help in obtaining necessary evidence to substantiate applications for discharge.

§ 882.25 *Form of certificate to be given*—(a) *Discharge.* Air Force Form 438, "Honorable Discharge," or Air Force Form 439, "General Discharge," will be given.

(b) *Release from active duty.* Airmen released from active duty and transferred to the Air Force Reserve will be furnished WD AGO Form 53-280, "Enlisted Record and Report of Separation—Certificate of Service," until superseded by another form.

§ 882.26 *Restriction on reenlistment.* Enlisted personnel being discharged under §§ 882.16 to 882.27 are ineligible to reenlist in the Air Force for a period of at least one year from date of discharge, and then only if they can meet the current enlistment regulations.

§ 882.27 *Concealment of dependency.* When an enlisted man, who willfully concealed dependents upon enlistment, makes application for discharge or release from active duty under §§ 882.16 to 882.27 because of dependency or hardship caused by dependents which were denied at time of enlistment, and for which a waiver of fraudulent enlistment has not been made, the case will be disposed of under the provisions of regulations governing discharge of individuals for fraudulent enlistment.

[SEAL] L. L. JUDGE,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 50-1884; Filed, Mar. 8, 1950; 8:49 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 27—TOLLS FOR USE OF CANAL

RATES OF TOLLS

CROSS REFERENCE: For order postponing the effective date of Proclamation 2775, which changed the rates of toll for use of the Panama Canal prescribed by Proclamation 2247, as amended by Proclamation 2249, codified in § 27.1, the effective date of which was postponed by

Proclamation 2208, 2831, and 2852, see Proclamation 2875, *supra*.

Appendix—Canal Zone Orders

[Canal Zone Order 19]

AMENDMENT OF EXECUTIVE ORDER NO. 1888, OF FEBRUARY 2, 1914, AS AMENDED, RELATING TO CONDITIONS OF EMPLOYMENT IN THE SERVICE OF THE PANAMA CANAL ON THE ISTHMUS OF PANAMA

FEBRUARY 28, 1950.

By virtue of the authority vested in the President by section 81 of title 2 of the Canal Zone Code, as amended, and delegated to the Secretary of the Army by Executive Order No. 9746 of July 1, 1946, as amended, section 38 of Executive Order No. 1888 of February 2, 1914, as amended by Executive Order No. 9740 of June 20, 1946, is further amended to read as follows:

"38. *Sick or emergency leave of teachers.* A teacher employed only during the school year may be granted not to exceed 15 days of leave with pay during the school year to cover illness or injury, presence of contagious disease or death in the home, or other pressing personal emergency, but shall not be entitled to any other leave with pay. Such leave shall be chargeable only for absence upon days during which the employee would otherwise work and receive pay, shall be exclusive of holidays, and shall be paid for at the rate prescribed in section 32 of this order. Such leave which is unused at the end of a school year shall be accumulated for use in succeeding school years until it totals not exceeding 45 days. Such leave shall be accorded and administered as prescribed in such regulations, not inconsistent with this section, as may be prescribed by the Governor."

GORDON GRAY,
Secretary of the Army.

[F. R. Doc. 50-1899; Filed, Mar. 8, 1950; 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 846, Amdt. 2]

PART 95—CAR SERVICE

RESTRICTIONS ON COAL-BURNING PASSENGER SERVICE LOCOMOTIVE MILEAGE

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of March A. D. 1950.

Upon further consideration of Service Order No. 846 (15 F. R. 769), and good cause appearing therefor: It is ordered, that:

Section 95.846 *Restrictions on use of coal-burning passenger service locomotive mileage*, Amendment No. 1 of Service Order No. 846 be, and it is hereby suspended effective 10:00 a. m. March 4, 1950.

It is further ordered, that a copy of this amendment shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1902; Filed, Mar. 8, 1950; 9:02 a. m.]

[S. O. 847, Amdt. 3]

PART 95—CAR SERVICE

RESTRICTIONS ON USE OF COAL-BURNING FREIGHT LOCOMOTIVES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of March A. D. 1950.

Upon further consideration of Service Order No. 847 (15 F. R. 770, 824), and good cause appearing therefor: It is ordered, that:

Section 95.847 *Restrictions on use of coal-burning freight locomotives*, Amendment No. 2 of Service Order No. 847 be, and it is hereby suspended effective 10:00 a. m., March 4, 1950.

It is further ordered, that a copy of this amendment shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1901; Filed, Mar. 8, 1950; 9:02 a. m.]

[S. O. 847, Corrected Amdt. 4]

PART 95—CAR SERVICE

RESTRICTIONS ON USE OF COAL-BURNING FREIGHT LOCOMOTIVES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of March A. D. 1950.

Upon further consideration of Service Order No. 847 (15 F. R. 770, 824), and good cause appearing therefor: It is ordered, that:

Section 95.847 *Restrictions on use of coal-burning freight locomotives*, of Service Order No. 847 be, and it is hereby further amended by substituting the following paragraph (a) for paragraph (a) thereof:

(a) *Reduction in freight locomotive mileage.* No common carrier by railroad subject to the Interstate Commerce Act shall operate a daily total coal-burning freight locomotive mileage in road service in excess of 75 percent of the total coal-burning freight locomotive mileage operated by it in road haul service on February 8, 1950, except that the use of coal-burning freight locomotives in the transportation of coal or the movement of empty coal cars en route to mines for coal loading may be operated in addition to the reduction above ordered.

Effective date. This amendment shall become effective at 10:00 a. m., March 4, 1950.

It is further ordered, that a copy of this amendment shall be served upon the State railroad regulatory bodies of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this amendment be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1900; Filed, Mar. 8, 1950; 9:02 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Basis and purposes. On the basis of information produced at public hearings, written briefs submitted by members of the fishing industry, and scientific data acquired by personnel of the Fish and Wildlife Service, amendments to existing regulations for control of the Alaskan fisheries are promulgated whenever necessary to achieve maximum commercial utilization of the resource consistent with sound conservation principles. In order to realize such utilization under current conditions and in conformance with the notice of intention to adopt amendments issued by the Secretary of the Interior on July 22, 1949 (14 F. R. 4597), the following provisions are adopted, to become effective 30 days after their publication in the FEDERAL REGISTER.

PART 101—DEFINITIONS

1. Section 101.1 is amended by substituting "101.14" in lieu of "101.12."

2. A new section designated § 101.13 is added to read as follows:

§ 101.13 *Local representative of the Fish and Wildlife Service.* Any employee of the Fish and Wildlife Service stationed at one of the following Alaskan communities: Anchorage, Chignik, Cold Bay, Cordova, Craig, Juneau, Ketchikan, Kodiak, Naknek Airbase, Seward, Sitka, Wrangell, and Yakutat.

3. A new section designated § 101.14 is added to read as follows:

§ 101.14 *Trap.* Any fixed device operated for the purpose of or resulting in the impoundment of live fish.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 102—GENERAL PROVISIONS

1. Section 102.7 is amended to read as follows:

§ 102.7 *Reports required of operators.* Each buyer or processor of fish or shellfish shall, each season:

(a) Furnish to the local representative of the Fish and Wildlife Service, prior to operating in each or any regulatory fishing district, a written statement of intention to operate and a description of the nature, extent, and location of the operation;

(b) Fully and accurately report all individual receipts of fish and allied data as required by the Director of the Fish and Wildlife Service or his authorized representative;

(c) Currently maintain available statistical records on receipts and production; and

(d) Submit an accurate report of operations on statistical forms provided for that purpose at the close of the season.

(Interprets or applies sec. 10, 34 Stat. 480, as amended; 48 U. S. C. 238)

2. Section 102.8 is amended to read as follows:

§ 102.8 *Boat registration.* Each year, prior to engaging in fishing, all boats, whether powered or unpowered, shall be registered with the local representative of the Fish and Wildlife Service for the initial regulatory area of operation. Registry of boats shall include the furnishing of adequate information relating to size, type, crew, gear, and identity. Any subsequent change in regulatory area of operation by any fishing boat must be reported to a local representative of the Fish and Wildlife Service in advance of such change. Registration plates, when furnished, shall be displayed in a prominent place on the port side: *Provided,* That such registration shall not be required of any boat engaging solely in the halibut fishery.

3. Section 102.8a is amended in the final sentence to read as follows: "Such letters and numbers shall be at least 6 inches in height with lines at least 1 inch wide and shall be of a contrasting color to the background."

4. Section 102.9 is amended by substituting a period in lieu of the comma after "fish wheel," where it appears the last time, and substituting the concluding sentence "Such letters and numbers shall be at least 6 inches in height with lines at least 1 inch wide and shall be painted in black on a white background." in lieu of the clause "said lettering and numbering to consist of black figures and letters, not less than 6 inches in length, painted on white background."

5. A new section designated § 102.19a is added to read as follows:

§ 102.19a *Closed seasons for trolling, exception.* Trolling is prohibited (a) in all waters from 6 o'clock postmeridian September 20 to 6 o'clock antemeridian October 5, and (b) in outside waters (exclusive of bays, inlets, sounds, channels, and straits) from 6 o'clock postmeridian October 31 to 6 o'clock antemeridian June 15: *Provided,* That this prohibition shall not apply to the taking of king salmon from 6 o'clock antemeridian March 15 to 6 o'clock antemeridian June 15.

6. Section 102.20 is amended to read as follows:

§ 102.20 *Protection of small king salmon.* The taking of any king salmon measuring less than 26 inches from tip of snout to fork of tail or weighing less than 6 pounds dressed is prohibited. Such undersized salmon as are taken incidentally to fishing operations must be returned to the water without injury. Possession of undersized king salmon shall be regarded as prima facie evidence of unlawful taking.

7. Sections 102.21, 102.22, and 102.23 are deleted.

8. Section 102.30 is amended in paragraph (a) by substituting a period in lieu of the colon following the first clause and by deleting the proviso.

9. Section 102.32a is deleted.

10. Section 102.37 is amended by substituting "6½ inches" in lieu of "5½ inches."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 103—KOTZEBUE-YUKON-KUSKOKWIN AREA

1. Section 103.11 is deleted.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 104—BRISTOL BAY AREA

1. Section 104.2 is amended to read as follows:

§ 104.2 *Definitions, fishing districts.* Fishing is prohibited except within the following-described districts:

(a) Nushagak District: Waters of Nushagak Bay within a line from Point Protection to Etolin Point.

(b) Kvichak-Naknek District: Waters of Kvichak Bay within a line from Etolin Point to Middle Bluff light on the eastern side of Kvichak Bay: *Provided,* That the waters within a line bearing 243 degrees true from the south corner of the southernmost dock of the Bristol Bay Packing Company plant near Peterson Point to its intersection with a line bearing 198 degrees true on Middle Bluff light shall be known as the Naknek Section.

(c) Egegik District: Waters along the eastern shore of Bristol Bay between a line from Etolin Point to Middle Bluff light and 58 degrees north latitude.

(d) Ugashik District: Waters along the eastern shore of Bristol Bay between 58 degrees north latitude and the southern limit of the area at a point on the coast 3 statute miles south of Cape Menshikof.

2. Section 104.6 is deleted.

3. Section 104.8 is amended in headnote and text to read as follows:

§ 104.8 *Registration and marking of boats.* Each salmon-fishing boat in operation shall bear conspicuous letters and numbers at least 12 inches in height which specifically identify it as to ownership; consecutive position in owner's fleet, commencing with number 1; and the regulatory district of initial operation, symbolized by N for Nushagak, K for Kvichak-Naknek, E. for Egegik, and U for Ugashik. Prior to each season and prior to any subsequent change in regulatory district of operation, the identifying letters and numbers of each salmon-fishing boat shall be reported to the local representative of the Fish and Wildlife Service.

4. Section 104.13 is amended to read as follows:

§ 104.13 *Motor-propelled gill net boats prohibited.* The use of motor-propelled fishing boats in catching salmon is prohibited: *Provided,* That this prohibition shall not apply to boats 32 feet or less in length after December 31, 1950.

5. Section 104.15 is amended in headnote and text to read as follows:

§ 104.15 *Locations open to stake and set nets.* No portion of any stake net or set or anchored gill net shall be operated except in the intertidal zone within a distance of 150 yards from mean high tide mark and within one of the following locations:

(a) Nushagak District: Along the beaches south of a line from Snag Point to the old village on the east shore, except on the west side of Nushagak Bay from a point 2 statute miles south of Bradford Point to Coffee Point, and except along the east side of that bay from a point 2,500 yards southeast of Ekuk Bluff light to Etolin Point.

(b) Kvichak Bay: Along the beach on the southeast shore of the bay from Prosper Creek to Coffee Creek.

(c) Naknek Bay: Along the beach on the north side of the bay from a point 1,200 yards above the drift gill net prohibitive markers to a point 1,500 yards outside such markers, and along the beach on the south side of the bay from a point 1,200 yards above the drift gill net prohibitive markers to a point 3,000 yards outside such markers.

(d) Egegik Bay: Along the beach on the north side of the bay to a point 4,000 yards outside the drift gill net prohibitive marker, and on the south side of the bay to a point 1,000 yards outside such marker.

(e) Ugashik Bay and River: Along the beach on the north side of the bay from Pilot station to a point 500 yards south of Dago Creek, and along the beach on the east side of the river from a point 200 yards north of the Wingard Packing Company's cannery to a point 1,200 yards north of that cannery.

6. Section 104.20 is amended in headnote and text to read as follows:

§ 104.20. *Waters closed to drift gill nets.* Fishing with drift gill nets is prohibited, as follows:

(a) Nushagak Bay: North of a line from a marker 2 statute miles below Bradford Point to a marker on the opposite shore at Nushagak Point.

(b) Kvichak Bay: Northeast of a line from the Squaw Creek light to a marker on the opposite shore at Coffee Creek Point.

(c) Naknek Bay: Within 1 statute mile of the mouth of the Naknek River.

(d) Egegik Bay: East of a line from a marker 250 yards east of Libby, McNeill & Libby's cannery building to a marker on the opposite shore 175 yards east of the Alaska Packers Association's cannery building.

(e) Ugashik River: Southeast of a line extending at right angles across the river 500 yards below the mouth of King Salmon River.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 105—ALASKA PENINSULA AREA

1. Section 105.19 is amended in paragraph (b) by deleting "Thin Point Lagoon," and a new paragraph designated (k) is added to read as follows:

§ 105.19 *Closed waters.* * * *

(k) Thin Point Cove and Lagoon: All waters within the cove and lagoon.

2. Following § 105.21, a new center heading is added to read as follows:

SHELLFISH FISHERY

3. A new section designated § 105.22 is added to read as follows:

§ 105.22 *Closed waters, king crab fishing.* Fishing for king crabs is prohibited in Canoe Bay.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 107—CHIGNIK AREA

1. Section 107.8 is deleted.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 108—KODIAK AREA

1. Section 108.2 is amended to read as follows:

§ 108.2 *Definitions, fishing districts.* (a) Alitak district: Alitak Bay and contiguous waters within a line from Cape Trinity to Cape Alitak.

(b) Red River district: All waters from Cape Alitak to Cape Karluk.

(c) Karluk district: All waters from Cape Karluk to Broken Point.

(d) Mainland district: All waters along the mainland shore northwest of a line down the middle of Shelikof Strait.

(e) Afognak district: All waters surrounding Whale, Raspberry, Afognak, Marmot, and Shuyak Islands.

(f) General district: All waters not defined above.

2. Section 108.3 is amended in headnote and text to read as follows:

§ 108.3 *Open seasons, Karluk district.* Fishing is prohibited except from 6 o'clock antemeridian June 6 to 6 o'clock postmeridian July 15, 6 o'clock antemeridian July 31, to 6 o'clock postmeridian August 13, and from 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30: *Provided,* That the closed season from August 13 to September 10 shall not apply (a) to beach seines and purse seines from Cape Karluk to Cape Uyak, and (b) to set or anchored gill nets from Cape Uyak to Broken Point.

3. A new section designated § 108.3a is added to read as follows:

§ 108.3a *Open seasons, Mainland district.* Fishing is prohibited except from 6 o'clock antemeridian June 6 to 6 o'clock postmeridian July 15, 6 o'clock antemeridian July 31 to 6 o'clock postmeridian August 13, and from 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30.

4. A new section designated § 108.3b is added to read as follows:

§ 108.3b *Open seasons, Afognak district.* Fishing is prohibited except from 6 o'clock antemeridian July 10 to 6 o'clock postmeridian July 15, 6 o'clock antemeridian July 31 to 6 o'clock postmeridian August 13, and from 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30.

5. A new section designated § 108.3c is added to read as follows:

§ 108.3c *Open seasons, General district.* Fishing is prohibited except from 6 o'clock antemeridian June 6 to 6 o'clock postmeridian July 15, 6 o'clock antemeridian July 31 to 6 o'clock postmeridian August 13, and from 6 o'clock antemeridian September 10 to 6 o'clock postmeridian September 30: *Provided,* That the closed season from August 13 to September 10 shall not apply to set or anchored gill nets from Broken Point to West Point.

6. Section 108.5 is amended to read as follows:

§ 108.5 *Open seasons, Alitak district.* Fishing is prohibited except from 6 o'clock antemeridian July 5 to 6 o'clock postmeridian July 15, 6 o'clock antemeridian July 31 to 6 o'clock postmeridian August 14: *Provided,* That set or anchored gill nets may be operated in the waters open to such fishing in Olga and Moser Bays from 6 o'clock antemeridian July 5 to 6 o'clock postmeridian August 20 unless such fishing is suspended because of insufficient escapement.

7. Section 108.10 is amended by deleting "exclusive of all waters within ½ statute mile of the mouth of any salmon stream."

8. Section 108.17 is amended to read as follows:

§ 108.17 *Gear, Cape Karluk to Cape Alitak.* Fishing between Cape Karluk and Cape Alitak except by purse seines and set or anchored gill nets is prohibited.

9. Section 108.19 is deleted.

10. Section 108.20 is amended to read as follows:

§ 108.20 *Size and operation of set nets.* The aggregate length of set or anchored gill nets used by any individual shall not exceed 150 fathoms. No wire netting or other device that impedes the free passage of fish shall be used in conjunction with a set net, except that seine webbing may be used on the shore end between high and low water marks. Set nets shall be operated in substantially a straight line: *Provided,* That not to exceed 25 fathoms of each net may be used as a single hook.

11. Section 108.24 is amended by adding paragraphs (y), (z), and (aa) to read as follows:

(y) Olga Bay: Within ½ statute mile of the mouth of any salmon stream and within ½ statute mile of the mouth of Horse Marine Lagoon.

(z) Kaiugnak Bay: All waters of the lagoon west of 153 degrees 42 minutes 18 seconds west longitude.

(aa) Sukhoi Lagoon: All waters within the lagoon.

12. Section 108.26 is amended in headnote and text to read as follows:

§ 108.26 *Quota area and catch.* Prior to October 1 in each year prior to 1953, the take of herring, except for bait and except by gill nets, shall not exceed 275,000 barrels of 250 pounds per barrel in the waters of Shelikof Strait southeast of a line extending down the middle of the Strait from the latitude of Point Banks to the latitude of Cape Alitak and in all contiguous waters, including Shuyak, Raspberry, and Kupreanof Straits.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 109—COOK INLET AREA

1. Section 109.2 is amended to read as follows:

§ 109.2 *Open seasons.* (a) Between the latitude of the established stream marker marking the south limit of the closed area around the mouth of the Kasilof River at approximately 60 degrees 22 minutes 23 seconds north latitude to the latitude of Anchor Point light, exclusive of all waters adjacent to Kalgin Island, fishing is prohibited prior to 6 o'clock antemeridian May 20 and after 6 o'clock postmeridian August 8: *Provided,* That this prohibition shall not apply to the use of gill nets from 6 o'clock antemeridian August 20 to 6 o'clock postmeridian September 10.

(b) South of the latitude of Anchor Point light fishing is prohibited prior to 6 o'clock antemeridian May 25 and after 6 o'clock postmeridian August 12: *Provided,* That fishing in all waters of Port Dick is prohibited prior to 6 o'clock antemeridian July 25, and *Provided further,* That this prohibition shall not apply to the use of beach seines or gill nets from 6 o'clock antemeridian August 24 to 6 o'clock postmeridian September 10.

(c) North of the latitude of the marker marking the south limit around the mouth of the Kasilof River, as described in paragraph (a) of this section, including all waters adjacent to Kalgin Island, fishing is prohibited prior to 6 o'clock antemeridian June 25 and after 6 o'clock postmeridian August 8: *Provided,* That

this prohibition shall not apply (1) after 6 o'clock antemeridian May 20 to the use of gear having mesh not less than 8½ inches stretched measure betwen knots, or to gill nets of which not to exceed 35 fathoms in use by any individual or on any boat may have mesh less than 8½ inches stretched measure between knots, and (2) from 6 o'clock antemeridian August 20 to 6 o'clock postmeridian September 10 to the use of gill nets.

2. Section 109.8 is amended in the last sentence by substituting "6 inches" in lieu of "4 inches" and "white background" in lieu of "red background."

3. Section 109.12 is amended in headnote and text to read as follows:

§ 109.12 *Minimum distance between units of gear.* The distance by most direct water measurement from any part of one gill net or seine to any part of another gill net, seine, or trap shall not be less than 600 feet.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 110—RESURRECTION BAY AREA

1. Section 110.2 is amended by substituting "July 1" in lieu of "June 1."

2. Section 110.12 is amended by substituting "July 1" in lieu of "June 7."

3. Section 110.15 is amended in headnote and text to read as follows:

§ 110.15 *Catch quota, June 15 through August 10.* During the period June 15 through August 10 in each year prior to 1953, the take of herring, except for bait and except by gill nets, shall not exceed 180,000 barrels of 250 pounds per barrel in the Resurrection Bay and Prince William Sound areas combined.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 111—PRINCE WILLIAM SOUND AREA

1. Section 111.2 is amended in the headnote to read as follows: "*Open seasons, general and Eshamy,*" and in the text by deleting the period and adding "and the catch of each such net shall be reported daily to the local representative of the Fish and Wildlife Service."

2. Section 111.6 is amended to read as follows:

§ 111.6 *Waters closed to seines, Granite Bay to Port Nellie Juan.* The use of purse seines is prohibited within one mile of the mainland shore from the outer point on the north shore of Granite Bay (known as Granite Bay Point) to the light on the south shore of the entrance to Port Nellie Juan.

3. Section 111.12 is amended by adding paragraph (w) to read as follows:

§ 111.12 *Closed waters.* * * *

(w) Port Chalmers, Montague Island: All waters east of a line extending from a point at 60 degrees 14 minutes 10 seconds north latitude, 147 degrees 14 minutes 15 seconds west longitude to a point at 60 degrees 15 minutes 15 seconds north latitude, 147 degrees 11 minutes 15 seconds west longitude.

4. Section 111.14 is amended in headnote and text to read as follows:

§ 111.14 *Catch quota, June 15 through August 10.* During the period June 15 through August 10 in each year prior to 1953, the take of herring, except for bait and except by gill nets, shall not exceed 180,000 barrels of 250 pounds per barrel in the Resurrection Bay and Prince William Sound areas combined.

5. Section 111.18 is amended by substituting "1,470,000 pounds" in lieu of "1,400,000 pounds," and "42,000 cases" in lieu of "40,000 cases."

6. Section 111.19 is amended by substituting "35,000 pounds" in lieu of "105,000 pounds" and "1,000 cases" in lieu of "3,000 cases."

7. Section 111.20 is amended in its proviso to read as follows: *Provided,* That in the waters of Orca Inlet between Salmo Point and the Cordova Ocean Dock, such fishing is prohibited from June 1 through October 31.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 112—COPPER RIVER AREA

1. Section 112.2 is amended by substituting "June 20" in lieu of "June 15."

2. Section 112.13 is amended by substituting "1,470,000 pounds" in lieu of "1,400,000 pounds," and "42,000 cases" in lieu of "40,000 cases."

3. Section 112.14 is amended by substituting "35,000 pounds" in lieu of "105,000 pounds," and "1,000 cases" in lieu of "3,000 cases."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 113—BERING RIVER-ICY BAY AREA

1. Part 113 is amended by deleting the hyphen and "Icy Bay" from the title.

2. Section 113.1 is amended in headnote and text to read as follows:

§ 113.1 *Definition, Bering River Area.* All territorial waters between Cape Suckling and Point Martin.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 116—SOUTHEASTERN ALASKA AREA, YAKUTAT DISTRICT, SALMON FISHERIES

Part 116 is deleted in its entirety.

PART 114—YAKUTAT AREA

A new part designated Part 114 is added to read as follows:

Sec.
114.1 Definition, Yakutat area.

SALMON FISHERY

114.2 Opening date: exception.
114.3 Closing date.
114.4 Weekly closed period.
114.5 Reporting of catches.
114.6 Catch limitations, Situk red salmon.
114.7 Gear restrictions: exceptions.
114.8 Marking of gill nets.
114.9 Size of gill nets: exceptions.
114.10 Closed waters.

AUTHORITY: §§ 114.1 to 114.9 issued under sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 114.1 *Definition, Yakutat Area.* All territorial waters between Cape Fairweather and Cape Suckling.

SALMON FISHERY

§ 114.2 *Opening date; exception.* Fishing, other than trolling, is prohibited prior to 6 o'clock antemeridian July 1, except that in Dry Bay nets of mesh not less than 8½ inches may be used after 6 o'clock antemeridian June 1.

§ 114.3 *Closing date.* Fishing, other than trolling, is prohibited after 6 o'clock postmeridian September 30.

§ 114.4 *Weekly closed period.* Prior to August 10, fishing is prohibited from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday.

§ 114.5 *Reporting of catches.* Prior to August 10, catches must be reported daily to the local representative of the Fish and Wildlife Service.

§ 114.6 *Catch limitations, Situk red salmon.* The take of red salmon in Situk-Ahrnklin Inlet and coastal waters extending from one mile east of the inlet entrance to one mile west of Lost River shall not exceed the escapement of red salmon into the Situk River as counted through the Fish and Wildlife Service weir.

(Sec. 2, 43 Stat. 465; 48 U. S. C. 225)

§ 114.7 *Gear restrictions; exceptions.* Fishing is prohibited other than by trolling or with set or anchored gill nets, which shall be operated in substantially a straight line, except that (a) beach seines more than 75 fathoms in length and 4 fathoms in depth may be used in Yakutat and Disenchantment Bays and Russell Fiord, and, (b) set nets in Disenchantment and Yakutat Bays may have not to exceed 15 fathoms of their length used as a hook.

(Interprets or applies sec. 2, 43 Stat. 465; 48 U. S. C. 225)

§ 114.8 *Marking of gill nets.* Each gill net in operation shall be marked by clusters of bright red floats or corks at both ends, and bright red double floats or corks shall be attached to the cork line at 25 to 30 fathom intervals. The clusters at the ends shall be legibly marked with the initials of the operator.

§ 114.9 *Size of gill nets: exceptions.* No gill net shall exceed 16 feet in depth, stretched measure. The individual and aggregate lengths of any and all gill nets aboard any fishing boat or in use by any person shall not exceed in hung measure the following:

(a) Disenchantment and Yakutat Bays; 75 fathoms each net and 75 fathoms aggregate.

(b) Situk-Arhnklin Inlet; 30 fathoms each net and 30 fathoms aggregate.

(c) Italio and Ahquay Inlets, Dangerous River, and Dry Bay; 25 fathoms each net and 75 fathoms aggregate.

(d) Ankau Inlet; 15 fathoms each net and 15 fathoms aggregate.

§ 114.10 *Closed waters.* Fishing is prohibited as follows:

(a) Dry Bay: above a point on the Alack River one mile below the "Basin."

(b) Situk River: above a line from the bluff at the western side of the entrance to Situk-Arnklin Inlet to the cut bank at the eastern side of the mouth of Johnson Slough.

(c) Divide Slough: all waters between Johnson Slough and Seal Creek.

PART 114—SOUTHEASTERN ALASKA AREA SALMON FISHERIES, GENERAL PROVISIONS

1. Part 114 is redesignated Part 115 and all sections contained therein are redesignated accordingly.

2. Section 115.1 is amended in headnote and text to read as follows:

§ 115.1 *Definition, Southeastern Alaska area.* All territorial waters between Dixon Entrance and Cape Fairweather.

3. Section 115.4 is amended in headnote and text to read as follows:

§ 115.4 *Beach seines prohibited; exception.* The use of beach seines is prohibited, except as provided in the Sumner Strait district.

4. Section 115.4a is amended to read as follows:

§ 115.4a *Gill nets prohibited: exceptions.* The use of gillnets is prohibited, except in the northern section of the western district, Taku Inlet, Port Snettisham, Stikine district, and Burroughs Bay.

5. Section 115.6 is deleted.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 115—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

1. Part 115 is redesignated Part 116 and all sections contained therein are redesignated accordingly.

2. Section 116.1 is amended in headnote and text to read as follows:

§ 116.1 *Definition, Southeastern Alaska area.* All territorial waters between Dixon Entrance and Cape Fairweather.

3. Section 116.3 is amended by deleting therefrom "200,000 barrels" and substituting in lieu thereof "150,000 barrels."

4. Section 116.6a is amended to read as follows:

§ 116.6a *Prohibited near Craig.* Fishing and the maintaining of pounds is prohibited in waters surrounding Fish Egg Island north and east of a line from Cape Flores to Point Amargura and thence to Point Ildefense.

5. Section 116.8 is amended to read as follows:

§ 116.8 *Restricted in Chatham Strait.* Fishing, except for bait and except by gill nets, is prohibited in the bays and within one-half mile of the outer shores along the eastern side of Chatham Strait between Point Gardner and Point Retreat.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 117—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT, SALMON FISHERIES

1. Section 117.1 is amended to read as follows:

§ 117.1 *Definition, Southeastern Alaska area.* All territorial waters between Dixon Entrance and Cape Fairweather.

2. Section 117.3 is amended by substituting "August 15" in lieu of "August 22."

3. Section 117.4 is amended by substituting "August 15" in lieu of "August 22."

4. Section 117.5 is amended by substituting "all catches shall be reported daily" in lieu of "each delivery of salmon shall be immediately reported."

5. Section 117.6 is amended in headnote and text to read as follows:

§ 117.6 *Closed waters, Port Frederick; exception.* Fishing, except trolling from October 3 to June 1, is prohibited in Port Frederick (a) east of a line from Inner Point Sophia to Game Point, and, (b) south of 58 degrees 4 minutes 8 seconds north latitude.

6. Section 117.7 is amended in headnote and text to read as follows:

§ 117.7 *Trolling prohibited, Icy Point to Lituya Bay.* Trolling is prohibited from Icy Point to and including Lituya Bay.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

1. Section 118.1 is amended to read as follows:

§ 118.1 *Definition, Southeastern Alaska area.* All territorial waters between Dixon Entrance and Cape Fairweather.

2. Section 118.5 is amended by substituting "August 15" in lieu of "August 22."

3. Section 118.6 is amended by substituting "August 15" in lieu of "August 22."

4. Paragraph (a) of § 118.7 is amended by substituting "August 15" in lieu of "August 22."

5. Paragraph (b) of § 118.7 is amended by substituting "all catches shall be reported daily" in lieu of "each delivery of salmon shall be immediately reported."

6. Section 118.9 is redesignated § 118.17 (r) and amended to read as follows:

(r) Chilkat Inlet, Lynn Canal: All waters northwest of a line from Green Point to the United States Land Office monument at the apex of Pyramid Island and projected to the northeastern shore of the Inlet.

7. Section 118.10 is redesignated § 118.17 (s) and amended to read as follows:

(s) Chilkoot Inlet, Lynn Canal: All waters within 1 statute mile of the mouth of Chilkoot River.

8. Section 118.11 is amended in the headnote by substituting a semicolon for the period and adding "*exception.*"

9. Section 118.12 is amended in headnote and text to read as follows:

§ 118.12 *Closed waters, Port Frederick; exception.* Fishing, except trolling from October 5 to June 1, is prohibited in Port Frederick south of 58 degrees 4 minutes 8 seconds north latitude.

10. Section 118.13 is amended in headnote and text to read as follows:

§ 118.13 *Closed season for trolling, Lynn Canal.* Trolling is prohibited in Lynn Canal north of Point Retreat from 6 o'clock postmeridian May 31 to 6 o'clock antemeridian June 25.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

1. Section 119.1 is amended to read as follows:

§ 119.1 *Definition, Southeastern Alaska area.* All territorial waters between Dixon Entrance and Cape Fairweather.

2. Section 119.3 is amended by substituting "August 15" in lieu of "August 22."

3. Paragraph (a) of § 119.4 is amended by substituting "from Point Styleman to Point Anmer" in lieu of "from Sentinel Point to Sharp Point."

4. Paragraph (a) of § 119.5 is amended by substituting "August 15" in lieu of "August 22."

5. Paragraph (b) of § 119.5 is amended by substituting "all catches shall be reported daily" in lieu of "each delivery of salmon shall be immediately reported."

6. Section 119.6 is amended in headnote and text to read as follows:

§ 119.6 *Length of gill nets, Taku Inlet and Port Snettisham.* The aggregate length of gill nets aboard or in use by any fishing boat shall not be greater than 150 fathoms nor less than 50 fathoms, hung measure.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 120—SOUTHEASTERN ALASKA AREA, STIKINE DISTRICT, SALMON FISHERIES

1. Section 120.1 is amended to read as follows:

§ 120.1 *Definition, Southeastern Alaska area.* All territorial waters between Dixon Entrance and Cape Fairweather.

2. Section 120.2 is amended to read as follows:

§ 120.2 *Definition, Stikine district.* All waters within a line commencing at Castle Mountain and passing successively through Horn Cliffs, Frederick Point, Point Alexander, Low Point, Drag Island, Chichagof Peak, Babbler Point, and Mount Cote.

3. Section 120.3 is amended in headnote and text to read as follows:

§ 120.3 *Registration of fishermen and reporting of catches.* In the period from June 25 to August 15, all gill net fishermen shall register with the local representative of the Fish and Wildlife Service prior to engaging in fishing and all catches shall be reported daily.

4. Section 120.4 is amended in headnote and text to read as follows:

§ 120.4 *Closed seasons; exception.* Fishing is prohibited prior to 6 o'clock antemeridian May 1, from 6 o'clock post-

meridian May 31 to 6 o'clock antemeridian June 25, and after 6 o'clock postmeridian September 20: *Provided*, That this prohibition shall not apply to trolling west of Craig Point.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 121—SOUTHEASTERN ALASKA, SUMNER STRAIT DISTRICT, SALMON FISHERIES

1. Section 121.1 is amended to read as follows:

§ 121.1 *Definition, Southeastern Alaska area.* All territorial waters between Dixon Entrance and Cape Fairweather.

2. Section 121.2 is amended to read as follows:

§ 121.2 *Definition, Sumner Strait district.* All territorial waters bounded on the north by a line commencing on the mainland at Mount Cote and passing successively through Babbler Point, Chichagof Peak, Drag Island, Low Point, Point Alexander, Frederick Point, Horn Cliffs, Kupreanof Island east shore at 56 degrees 54 minutes north latitude, the northernmost end of Duncan Canal, Koku Strait at 56 degrees 40 minutes north latitude, the watershed of Kuin Island, and the latitude of Cape Decision projected westerly; and on the south by a line following the watershed of Cleveland Peninsula from the International Boundary to Union Point and passing successively through Ernest Point, the southernmost point on Etolin Island, the watershed of Etolin Island, Point Harrington, the northern end of East Island, the southern end of West Island, Prince of Wales Island east shore at 56 degrees 9 minutes 15 seconds north latitude, El Capitan Passage at 56 degrees 7 minutes 36 seconds north latitude, the watershed of Kosciusko Island, the southernmost point on Kosciusko Island, Wood Island, and the latitude of Wood Island projected westerly.

3. Section 121.5 is amended in headnote and text to read as follows:

§ 121.5 *Beach seine restrictions.* The use of any beach seine is prohibited: *Provided*, That beach seines not less than 65 fathoms nor more than 100 fathoms in length may be operated from the beach only in open waters of Wrangell Narrows. Each beach seining operation must be promptly and continuously carried through to completion.

4. Section 121.7 is redesignated § 121.11 (s) and amended to read as follows:

(s) Bradfield Canal, mainland: All waters east of 131 degrees 55 minutes 30 seconds west longitude.

5. Section 121.8 is amended in headnote and text to read as follows:

§ 121.8 *Closed waters, Blake Channel and Eastern Passage; exception.* Fishing is prohibited in Blake Channel north of 56 degrees 12 minutes north latitude and in Eastern Passage south of Babbler Point: *Provided*, That this prohibition shall not apply to trolling prior to 6 o'clock postmeridian May 31 and after 6 o'clock antemeridian October 5.

6. Section 121.9 is amended in headnote and text to read as follows:

§ 121.9 *Closed waters, Anita Bay; exception.* Fishing, other than trolling, is prohibited in Anita Bay on Etolin Island.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 122—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

1. Section 122.1 is amended to read as follows:

§ 122.1 *Definition, Southeastern Alaska area.* All territorial waters between Dixon Entrance and Cape Fairweather.

2. Section 122.5a is amended by substituting "all catches shall be reported daily" in lieu of "each delivery of salmon shall be immediately reported."

3. Section 122.6 is amended to read as follows:

§ 122.6 *Closed season for trolling, North Arm of Behm Canal.* Trolling is prohibited in Behm Canal between a line from Escape Point to Point Francis and a line from Claude Point to Point Lees from 6 o'clock postmeridian April 30 to 6 o'clock antemeridian July 15.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 123—SOUTHEASTERN ALASKA AREA, SOUTH PRINCE OF WALES ISLAND DISTRICT, SALMON FISHERIES

1. Section 123.1 is amended to read as follows:

§ 123.1 *Definition, Southeastern Alaska area.* All territorial waters between Dixon Entrance and Cape Fairweather.

2. Section 123.7 is amended by amending paragraph (e) to read as follows:

§ 123.7 *Closed waters.* * * *

(e) Ham Cove, east coast of Dall Island: All waters within the cove.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

PART 124—SOUTHEASTERN ALASKA AREA, SOUTHERN DISTRICT, SALMON FISHERIES

1. Section 124.1 is amended to read as follows:

§ 124.1 *Definition, Southeastern Alaska area.* All territorial waters between Dixon Entrance and Cape Fairweather.

2. Section 124.4 is amended in headnote and text to read as folows:

§ 124.4 *South Arm of Behm Canal, gear restrictions.* Fishing is prohibited between a line from Point Sykes to Point Alava and a line from Claude Point to Point Lees: *Provided*, That this prohibition shall not apply to:

(a) Purse seining southward of a line from Point Eva to Cactus Point.

(b) Trolling southward of a line from Point Eva to Cactus Point prior to 6 o'clock postmeridian April 30 and after 6 o'clock antemeridian July 15, and

(c) Gillnetting in Burroughs Bay within a line bearing northwest from Point Fitzgibbon.

3. Section 124.9 is amended by deleting paragraph (j).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

OSCAR L. CHAPMAN,
Secretary of the Interior.

MARCH 4, 1950.

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PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Part 155]

INSPECTION OF ANIMAL FOODS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)), that the Secretary of Agriculture, pursuant to the provisions of section 203 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622) and of the so-called Farm Products Inspection Act, consisting of the item for market inspection of farm products recurring each year in the annual appropriation act for the Department of Agriculture and currently found in the Department of Agriculture Appropriation Act, 1950 (63 Stat. 324; 7 U. S. C. Supp. 414), proposes to amend the regulations governing the inspection, certification, and identification as to class, quantity, and condition of canned wet normal maintenance food for dogs, cats, and other carnivora (9 CFR, Part 155) to read as fololws:

PART 155—CERTIFIED PRODUCTS FOR DOGS, CATS, AND OTHER CARNIVORA; INSPECTION, CERTIFICATION, AND IDENTIFICATION AS TO CLASS, QUALITY, QUANTITY, AND CONDITION

DEFINITIONS

Sec.
155.1 Meaning of words.
155.2 Terms defined.

SCOPE OF INSPECTION SERVICE

155.3 Plants eligible for inspection.

APPLICATION FOR INSPECTION, CERTIFICATION, AND IDENTIFICATION

DEFINITIONS

§ 155.1 *Meaning of words.* Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 155.2 *Terms defined.* When used in this part unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(a) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(b) "Division" means the Animal Foods Inspection Division of the Bureau of Animal Industry of the United States Department of Agriculture.

(c) "Inspector in charge" means an inspector of the division assigned to supervise and perform official work at an official station. Such inspector is assigned by and reports directly to the chiefl of the division or other person designated by him.

(d) "Inspector" means an inspector of the division.

(e) "Inspected plant" means any plant preparing certified products for dogs, cats, or other carnivora, at which inspection is maintained under the regulations contained in this part.

(f) "Official station" means one or more inspected plants assigned to an inspector in charge.

(g) "32% component" means a product containing animal protein and other elements normal to the component for use in compounding a maintenance food for dogs, cats, foxes, and other carnivorous animals.

(h) "Products" means the products for dogs, cats, or other carnivora marked, or to be marked, with the certication provided in this part.

(i) "Meat" means the U. S. inspected and passed and so identified clean, wholesome muscle tissue of cattle, sheep, swine, or goats which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus with or without the accompanying and overlying fat and the portions of skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. It does not include the muscle found in the lips, snout, or ears.

(j) "Meat by-product" means the U. S. inspected and passed and so identified clean, wholesome part other than meat which has been derived from one or more cattle, sheep, swine, or goats.

(k) "Horse meat" means the U. S. inspected and passed and so identified clean, wholesome muscle tissue of horses which is skeletal or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, with or without the accompanying and overlying fat and the portions of sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing.

(l) "Horse meat by-product" means the U. S. inspected and passed and so identified clean, wholesome part, other than horse meat, which has been derived from horses.

(m) "Bone" means the U. S. inspected and passed and so identified clean, wholesome bone which has been derived from cattle, sheep, swine, goats, or horses.

SCOPE OF INSPECTION SERVICE

§ 155.3 *Plants eligible for inspection.* Upon application, inspection may be granted at a plant where products for dogs, cats, and other carnivora are to be prepared, when the chief of the division has determined that the application conforms to and the plant meets with the requirements of this part.

APPLICATION FOR INSPECTION, CERTIFICATION, AND IDENTIFICATION

§ 155.4 *Application.* The owner or operator of any plant of the kind specified in § 155.3 may apply to the chief of the division for inspection, certification, and identification. In cases of change of ownership or change of location, new applications shall be made.

§ 155.5 *Drawings.* Triplicate copies of complete drawings with specifications, consisting of floor plans showing the locations of such features as the principal pieces of equipment, floor drains, principal drainage lines, hand-washing basins, and hose connections for clean-up purposes; elevations; roof plans when necessary to show size and location of skylights and the like; cross and longitudinal sections of the various buildings, showing such features as principal pieces of equipment, heights of ceilings, conveyor rails, and character of floors, walls, and ceilings; and a plot plan showing relationship of various departments and structures of the plants, properly drawn to scale, shall accompany applications. Where complete approved drawings and specifications are available in the files of the Meat Inspection Division, Bureau of Animal Industry, U. S. Department of Agriculture, covering a plant operating under the supervision of that division, it will not be necessary that drawings and specifications accompany an application made under this part for inspection at such plant.

§ 155.6 *Review of applications.* The chief of division will determine whether applications shall be granted or refused.

INAUGURATION OF INSPECTION

§ 155.7 *Inauguration of inspection.* When an application for inspection, certification, and identification is granted, the inspector in charge shall, at or prior to the inauguration of inspection, inform the owner or operator of the plant of the requirements of the regulations contained in this part. Inspection shall not be begun if a plant is not in a sanitary condition. The applicant shall adopt and enforce all necessary measures and shall comply with all such directions as the inspector in charge may prescribe for carrying out the purposes of this part.

§ 155.8 *Official number.* To each plant granted inspection an official number shall be assigned. Such number shall be preceded by the letter "A" and used to identify all certified products prepared in the plant.

§ 155.9 *Numbers granted same ownership or control.* Two or more official plants under the same ownership or control may be granted the same official number, provided a serial letter is added

after the number in each case to identify the plant.

§ 155.10 *Assignment of inspectors.* The chief of the division shall designate an inspector in charge of the inspection at each official station and assign to him such assistants as may be necessary.

FEES

§ 155.11 *Charge for survey.* Applicants for the inspection, certification, and identification shall reimburse the department for salary, travel cost, per diem allowance, and the like, expended incidental to any survey of the premises for which the inspection is requested, and in connection with any review of plans which may be made.

§ 155.12 *Charge for service.* For each man hour of inspection service extended to an inspected plant under this part, a fee of $3.00 shall be charged to the applicant and be paid to the department by him upon receipt of notice thereof from the department.

SANITATION AND FACILITIES

§ 155.13 *Sanitation.* Sanitary facilities and accommodations shall be furnished by every inspected plant. Of these the following are specifically required:

(a) Dressing rooms, toilet rooms, and urinals shall be sufficient in number, ample in size, and conveniently located. They shall be properly lighted and ventilated and of sanitary construction. They shall be separate from the rooms and compartments in which certified products are prepared, stored or handled.

(b) Modern hand-washing basins, including running hot and cold water, soap and towels shall be placed in or near toilet rooms.

(c) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings and drainage from toilet soil lines shall not be discharged into a grease catchbasin.

(d) Properly located facilities shall be provided for cleansing utensils and hands of all persons handling or preparing any products to be certified.

(e) Equipment and utensils used for preparing any products to be certified shall be of such material and construction as will make them susceptible of being readily and thoroughly cleaned.

(f) Trucks and receptacles used for inedible materials shall be of such construction as to permit ready and thorough cleansing, shall bear a conspicuous and distinctive mark, and shall be used exclusively for handling inedible material.

(g) Rooms, compartments, places, equipment and utensils used for preparing, storing or otherwise handling any certified products, and all other parts of the inspected plant, shall be kept clean. There shall be no handling or storing of materials which creates an objectionable condition in rooms, compartments or places where certified products are prepared, stored or otherwise handled.

§ 155.14 *Facilities.* Adequate facilities for the preparation and inspection of the products to be certified shall be furnished and maintained by the inspected plant. Of these the following are specifically required:

(a) A room or compartment adequately equipped for locking or sealing shall be provided for holding products prepared for certification or material used in their preparation which are identified as "U. S. retained," and such rooms and compartments shall be conspicuously marked with the phrase "U. S. retained" prominently displayed.

(b) Adequate facilities, including denaturing materials, for the proper disposal of condemned articles shall be provided.

(c) Rooms or compartments adequate in size and properly equipped for holding samples of canned products prepared for certification under incubation, shall be maintained at temperatures specified in paragraph (i) of § 155.25.

(d) Furnished office room, including light, heat, janitor, and laundry service shall be provided rent free for the exclusive use of the inspector. These facilities shall be set apart for this purpose and provided with lockers suitable for the protection and storage of division supplies. Laundering of inspectors' outer work clothing shall be provided by the management of inspected plants.

§ 155.15 *Inedible operating and storage rooms; outer premises, docks, driveways, etc.; fly-breeding material; nuisances.* All operating and storage rooms and departments of inspected plants used for inedible material shall be maintained in clean condition, and shall be separate and apart from rooms and departments where certified products are prepared, handled, or stored. Docks and areas where cars and vehicles are loaded, and driveways, approaches and alleyways shall be properly paved and drained and the outer premises of every inspected plant shall be kept in clean and orderly condition. All catchbasins on the premises shall be of such construction and location and shall be given such attention as will insure their being kept in acceptable condition as regards odors and cleanliness. The accumulation on the premises of any material in which flies may breed, or the maintenance of any nuisance on the premises shall not be allowed.

§ 155.16 *Control of flies, rats, mice, etc.* Flies, rats, mice, and other vermin shall be excluded from inspected plants and premises.

§ 155.17 *Tagging equipment "U. S. rejected."* When necessary, inspectors shall attach a "U. S. rejected" tag to any equipment or utensil which is unclean or the use of which would be in conflict with the provisions of this part. No equipment or utensil so tagged shall again be used until made acceptable under this part and until removal of the tag. Such tag shall not be removed from the equipment or utensil by anyone other than an inspector.

§ 155.18 *Drawings and specifications to be furnished.* Triplicate copies of complete drawings and specifications for remodeling inspected plants or for new structures at such plants shall be submitted to the chief of the division and approval obtained for the plans in advance of construction.

INSPECTION PROCEDURE

§ 155.19 *Inspector to be informed when plant operates.* The management of an inspected plant shall inform the inspector or the inspector in charge when work in each department has been concluded for the day, and the day and hour when work will be resumed therein. There shall be no preparation of certified products at an inspected plant except under the supervision of an inspector.

§ 155.20 *Inspector to have access to plant at all times.* For the purpose of examination or inspection necessary to enforce any of the provisions of this part, inspectors shall have access at all times by day or night, whether the plant is being operated or not, to every part of an inspected plant.

§ 155.21 *Products entering inspected plants.* All products of a kind certified under this part or materials to be used in the preparation of such products when brought into an inspected plant shall be identified and inspected at the time of receipt and be subject to further inspection in such manner and at such time as may be deemed necessary. If, upon inspection, any such article is found to be unsound or otherwise unfit, it shall be handled as provided in § 155.28.

§ 155.22 *Designation of place of receipt of returned products.* Certified products returned to an inspected plant shall be received at a dock or place specifically designated for the purpose by the plant management with the approval of the inspector in charge. Such returned products shall be inspected there by the inspector before further entering the plant.

§ 155.23 *Tagging products "U. S. retained."* A "U. S. Retained" tag shall be placed by an inspector at the time of inspection on all certified products, materials to be used in the preparation of certified products, or containers thereof, whenever such certified products, materials, or containers are suspected of being unsound or otherwise unfit or not in conformity with the requirements contained in this part. Such tags so placed shall not be removed by anyone other than an inspector.

§ 155.24 *Processes to be supervised.* All processes used in the preparation of the certified products shall be supervised by an inspector. All steps in the process of manufacture shall be conducted carefully and with strict cleanliness. Inspected plants shall not prepare products of a kind certified under this part unless they conform with the regulations contained in this part.

§ 155.25 *Canning with heat processing and hermetically sealed containers; closures; code marking; heat processing; incubation.* (a) Containers shall be cleaned thoroughly immediately before filling, and precaution must be taken to avoid soiling the inner surfaces subsequently.

(b) The inside surfaces of containers of metal, glass, or other material shall be washed by spraying in an inverted

position with running water at a temperature of at least 180° F. The container washing equipment shall be provided with a thermometer to register the temperature of the water used for cleaning the containers.

(c) Perfect closure is required for hermetically sealed containers. Heat processing shall follow promptly after closing.

(d) Careful inspection shall be made of the containers by competent plant employees immediately after closing, and containers which are defectively filled or defectively closed, or which show inadequate vacuum, shall not be further processed until the defect has been corrected. The containers shall again be inspected by plant employees when they have cooled sufficiently for handling after processing by heating. The contents of defective containers shall be condemned unless correction of the defect is accomplished within six hours following the sealing of the containers or completion of the heat processing, as the case may be, except that (1) if the defective condition is discovered during an afternoon run the cans of product may be held in coolers at a temperature not exceeding 38° F. under conditions that will promptly and effectively chill them until the following day when the defect may be corrected; and (2) short vacuum or overstuffed cans of products which have not been handled in accordance with the above may be incubated as provided in paragraph (i) of this section in the inspected plant under division supervision, after which the cans shall be opened and the sound products passed.

(e) Canned products shall not be passed unless, after cooling to atmospheric temperature, they show the external characteristic of sound cans; that is, the cans shall not be overfilled, the ends of the cans shall be concave, there shall be no bulging of the cans, the sides and ends of the cans shall conform to the products, and there shall be no slack or loose tin in the cans.

(f) All canned products shall be plainly and permanently marked on the containers by code or otherwise with the identity of the contents and date of canning. The code used and its meaning shall be on record in the office of the inspector in charge before use.

(g) The canned products must be processed at such temperature and for such period of time as will assure keeping without refrigeration under usual conditions of storage and transportation as evidenced by the incubation test.

(h) Lots of canned products shall be identified during their handling preparatory to and during heat processing by tagging the baskets or cages in which the cans are being conveyed, with a tag which will change color on going through the heat processing or by other effective means so as to insure the proper channeling of the products for effective heat processing after closing the cans.

(i) Facilities shall be provided to incubate at least representative samples of the fully processed canned products. The incubation shall consist of holding the canned products for at least 10 days at about 98° F. The extent to which incubation tests shall be required by inspectors depends on conditions such as the record of the inspected plant in conducting canning operations, the extent to which the plant furnishes competent supervision and inspection in connection with the canning operations, the character of the equipment used, and the degree to which such equipment is maintained at maximum efficiency. Such factors shall be considered by the inspector in charge in determining the extent of incubation testing at a particular plant. In the event of failure by an inspected plant to provide suitable facilities for incubation of test samples, the inspector in charge may require holding of the entire lot under such conditions and for such period of time as may, in his discretion, be necessary to establish the stability of the canned products. The inspector in charge may permit lots of canned certified products to be shipped from the inspected plant prior to completion of sample incubation when he has no reason to suspect unsoundness in the particular lots, and under circumstances which will assure the return of the products to the plant for inspection should such action be indicated by the incubation results.

§ 155.26 *Samples of certified products, ingredients, etc., to be taken for examination.* Samples of certified products, water, chemicals, flavorings or other articles in an inspected plant shall be taken without cost to the division for an examination as often as may be deemed necessary for the efficient conduct of the inspection. The frequency of sampling shall be determined by the needs of the inspection.

§ 155.27 *Reports of violations of regulations.* Inspectors shall report to the inspector in charge violations of or failures to conform with these regulations which occur at inspected plants, and the inspector in charge shall report the same to the chief of the division.

DISPOSAL OF CONDEMNED MATERIAL

§ 155.28 *Unfit material to be condemned.* Any certified products, or ingredients intended for use therein, which are decomposed or adulterated or otherwise unsound or unfit for use shall be condemned and destroyed, except that if the adulteration is such as will not preclude their legitimate use for some purpose other than the preparation of the certified products, they may be released by authorized inspectors for such other purpose for disposition under the supervision of the proper local, State, or Federal official. The operator of the inspected plant shall make such arrangement as may be necessary with the proper officials for the disposition of the article.

COMPOSITION AND IDENTITY OF CERTIFIED PRODUCTS

§ 155.29 *Composition of canned certified maintenance food.* (a) Only ingredients which are normal to canned food for dogs, cats, and other carnivora, or are favorable to adequate nutrition, and which are classed by the chief of the division as conforming with requirements contained in this part shall be used in the preparation of certified maintenance food.

(b) Not less than 30 percent of meat or meat byproduct, or both, or of horse meat or horse meat byproduct, or both, shall be used in the preparation of canned certified maintenance food. The uncooked weight of the meat or meat byproduct, or both, or of horse meat or horse meat byproduct, or both, shall be used in the calculation, and the percentage shall be obtained by relating this weight to the total weight of the certified maintenance food.

(c) Certified maintenance food shall contain not less than 10 percent of protein.

(d) Certified maintenance food shall contain a level of minerals and vitamins generally recognized to be essential to the nutritional value of the food.

(e) Vegetables and grains and their derivatives, used as ingredients of certified maintenance food, shall be of good quality, shall be free from discoloration, mold, smut, and insect infestation, and shall be otherwise sound and clean.

(f) Inedible material such as tankage, dried blood, bone meal, and the like shall not be used as ingredients of certified maintenance food.

§ 155.30 *Composition of canned or fresh frozen certified 32% component.* (a) Certified 32% component shall contain not less than 95 percent of meat or meat byproduct, or both, or of horse meat or horse meat byproduct, or both.

(b) Certified 32% component shall have added thereto a sufficient amount of fresh ground bone or other acceptable agent to satisfy the requirements of the regulations promulgated under the Meat Inspection Act (34 Stat. .1260), as amended (21 U. S. C. 71 et seq.), and the Horse Meat Act (41 Stat. 241; 21 U. S. C. 96), in order to insure decharacterization of the product for human food purposes.

(c) Certified 32% component may contain not more than 3 percent wheat flour or other processing aid acceptable to the chief of the division, which shall be of good quality, shall be free from insect infestation, and shall be otherwise sound and clean.

(d) Certified 32% component shall contain no added moisture.

(e) Certified 32% component shall contain not less than 15 percent protein.

(f) Certified 32% component shall contain not less than 3 percent fat.

IDENTIFICATION

§ 155.31 *Supervision by inspector.* No container which bears or is to bear a label as provided for under this part shall be filled in whole or in part except with certified products which have been inspected in compliance with this part, which are sound, healthful, wholesome, and otherwise fit for dogs, cats, and other carnivora, and which are strictly in accordance with the statements on the label. No such container shall be filled in whole or in part and no such label shall be affixed thereto except under the supervision of an inspector.

LABELING

§ 155.32 *Labeling required.* Each container of inspected and certified products

shall have affixed thereto a label bearing the following information, prominently displayed:

(a) The name of the product, the ingredient statement, and the statement of certification, in the manner provided by subparagraphs (1), (2), and (3) of this paragraph in the case of canned certified maintenance food, and in the manner provided by subparagraphs (4), (5), and (6) of this paragraph in the case of canned or fresh frozen certified 32% component.

(1) The name of the canned certified maintenance food shall consist of words such as "dog food," "cat food," "dog and cat food," or "fox food," accompanied with such references to optional ingredients as may be required by the chief of the division under this part.

(2) The word "ingredients," followed by a complete list of ingredients of the food in the order of their predominance and by their common or usual names, shall appear on the label with the name of the certified maintenance food.

(3) The statement of certification for canned certified maintenance food shall appear on the label in the form shown herewith, except that the plant number

PLANT A

need not appear with the statement of certification when such number is embossed on the sealed metal container as provided in § 155.33.

(4) The name of the canned or fresh frozen 32% component shall be the true name, such as "meat," "horse meat," etc., and there shall appear contiguous to the name of the product the name of the decharacterizing agent used, followed by the word "added," as, for example, "bone added".

(5) When wheat flour or other processing aid is added to the canned or fresh frozen 32% component, there shall appear on the label, with the name of the decharacterizing agent, in predominating order, the name of the processing aid, as, for example, "Wheat flour and bone added" or "Bone and wheat flour added."

(6) A statement of certification for canned or fresh frozen 32% component shall appear on the label in the form shown herewith, except that the plant

PLANT A

number need not appear with the statement of certification when such number is embossed on the sealed metal container as provided in § 155.33.

(b) A statement of the quantity of contents of the container, representing in terms of avoirdupois weight the quantity of product in the container.

(c) The name and place of business of the manufacturer, packer, or distributor. The name under under which inspection is granted to a plant may appear without qualification on the label of a product prepared by that plant. When the certified product is not prepared by the person whose name appears on the label, the name shall be qualified by a phrase which reveals the connection such person has with the product as, for example, "Prepared for _____."

§ 155.33 *Plant number to be embossed on metal containers.* The official number assigned to an inspected plant under § 155.8 shall be embossed on all sealed metal containers of certified products filled in such plant, except that such containers which bear labels lithographed directly on the container and in which the plant number is incorporated need not have the plant number embossed thereon. Labels and embossed code identification shall be affixed so as not to obscure the embossed plant number.

§ 155.34 *Labels, approval of, by chief of division.* (a) Except as provided in paragraph (c) of this section, no label shall be used on any container of certified products until it has been approved by the chief of the division. For the convenience of the inspected plant, sketches or proofs of proposed labels may be submitted in triplicate through the inspector in charge to the chief of the division for approval, and the preparation of the finished labels deferred until such approval is obtained. All finished labels shall be submitted in quadruplicate through the inspector in charge to the chief of the division for approval. In the case of lithographed labels, paper take-offs in lieu of sections of the metal containers shall be submitted for approval. Such paper take-offs shall not be in the form of a negative but shall be a complete reproduction of the label as it will appear on the package, including any color scheme involved.

(b) Inserts, tags, liners, pasters, and like devices containing printed or graphic matter for use on, or to be placed within, containers and coverings of certified products shall be submitted for approval in the same manner as provided for labels in paragraph (a) of this section, except that inspectors in charge may permit the use of such devices if they contain no reference to the certified products and bear no misleading feature.

(c) Stencils, labels, box dies, and brands may be used on shipping containers, including tierces, barrels, drums, boxes, crates, and large-size fiberboard containers, without approval by the chief of the division, provided the markings are applicable to the certified products, are not false or deceptive, and are used with the approval of the inspector in charge.

(d) No certified product and no container thereof shall be labeled with any false or deceptive term, and no statement, word, picture, design, or device which conveys any false impression or gives any false indication of the origin, quality, or quantity of the product shall appear on any label.

§ 155.35 *Label information to be displayed on principal panel.* The label information required by § 155.32 shall be displayed on the principal panel or panels of the label except that label information other than the name of the product and the ingredient statement may be displayed on a panel immediately adjacent to the principal panel or panels if such supplemental panel consists of at least 20 percent of the label and is reserved exclusively for required labeling information.

§ 155.36 *Obsolete labels.* At least once each year, each inspected plant shall submit to the chief of the division, in quadruplicate, a list of approvals for labels that have become obsolete, accompanied by a statement that such approvals are no longer desired. The approvals shall be identified by the number, the date of approval, and the name of the product.

§ 155.37 *Alteration or imitation of statements of certification.* The statements of certification provided for by § 155.32 (a) (3) and (6) shall not be altered, defaced, imitated, or simulated in any respect or used for the purpose of misrepresentation or deception.

PENALTIES

§ 155.38 *Withdrawal of service.* After opportunity for hearing before a proper official of the Department has been accorded the operator of an inspected plant, the inspection, certification, and identification provided for in this part may be withdrawn from such plant if the operator (a) persistently fails to comply with any provision of the regulations in this part or of instructions or directions issued thereunder; (b) makes any willful misrepresentation or engages in any fraudulent or deceptive practice in connection with the making of any application for service; (c) violates § 155.37; or (d) interferes with or obstructs any division employee in the performance of his duties under the regulations in this part by intimidation, threats, or other improper means. Pending final determination of the matter, the chief of division may suspend such inspection, certification, and identification without hearing in cases of willfulness or those in which the public health, interest, or safety requires such action. In other cases, prior to the institution of proceedings for any withdrawal or suspension, the facts or conduct which may warrant such action shall be called to the attention of the operator in writing and he shall be given an opportunity to demonstrate or achieve compliance with the requirements of the regulations in this part and instructions and directions issued thereunder.

APPEALS

§ 155.39 *Appeals from decisions made under this part.* Any appeal from a decision by an employee of the division shall be made to his immediate superior having jurisdiction over the subject matter of the appeal.

REPORTS

§ 155.40 *Plants to furnish information for reports.* Each day the operator of every inspected plant shall furnish the inspector assigned to that plant with a statement of the number of pounds of product certified by the inspector.

(Title II, sec. 203, 60 Stat. 1087, and Title I, sec. 1, 62 Stat. 527; 7 U. S. C. 1622 and 7 U. S. C. Supp. 414)

The purpose of the foregoing amendments is to incorporate into the regulations, provision for the inspection, certification, and identification as to class, quality, quantity, and condition, of canned or fresh frozen 32% component of a maintenance food for dogs, cats, and other carnivora; to add admonitory provisions against the alteration or imitation of the statements of certification provided for by the regulations; and to make unimportant changes in the language of the present regulations in order to clarify their meaning.

Any person who wishes to submit written data, views, or arguments concerning these amendments may do so by filing them with the Chief of the Animal Foods Inspection Division of the Bureau of Animal Industry, United States Department of Agriculture, Washington 25, D. C., within fifteen days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 3d day of March 1950. Witness my hand and the seal of the Department of Agriculture.

[SEAL] K. T. HUTCHINSON,
Acting Secretary of Agriculture.

[F. R. Doc. 50-1894; Filed, Mar. 8, 1950; 8:50 a. m.]

Production and Marketing Administration

GREGORY LIVESTOCK AUCTION AND PRESHO LIVESTOCK AUCTION CO.

POSTING OF STOCKYARDS

The Secretary of Agriculture has information that the stockyards listed below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act:

Gregory Livestock Auction, Gregory, S. Dak.
Presho Livestock Auction Company, Presho, S. Dak.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit within 15 days of the publication of this notice any data, views or argument, in writing, on the proposed rule to the Director, Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 6th day of March 1950.

[SEAL] H. E. REED,
Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 50-1922; Filed, Mar. 8, 1950; 9:03 a. m.]

[7 CFR, Part 903]

[Docket No. AO-10-A13]

HANDLING OF MILK IN ST. LOUIS, MO., MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Sheraton Hotel, Spring Street and Lindel Boulevard, St. Louis, Missouri, beginning at 1:00 p. m., c. s. t., March 15, 1950, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the handling of milk in the St. Louis, Missouri, marketing area and to the proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the said marketing area (7 CFR, 903.0 et seq.) set forth herein below, or any modifications thereof. The amendments proposed have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed by Sanitary Milk Producers:

Proposal No. 1. Amend § 903.4 (d) (4) (i) to include among the counties named therein the counties of Miller, Morgan, and Pettis, all in the State of Missouri.

Proposal No. 2. Amend § 903.5 (d) (1) by deleting the factor "1.35" and substituting therefor the factor "1.25".

Amendments proposed by Missouri Farmers Association and Producers Creamery Company of Missouri:

Proposal No. 3. Amend § 903.4 (d) (4) (i) to include among the counties named therein to the counties of Barry and Cedar in the State of Missouri.

Amendments proposed by the Dairy Branch, Production and Marketing Administration:

Proposal No. 4. To renumber the sections, paragraphs, subparagraphs and subdivisions, throughout the order, in accordance with the revised FEDERAL REGISTER procedure.

Proposal No. 5. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order, as amended, now in effect, may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis, Missouri, or from the Hearing Clerk, United States Department of Agriculture, Room 1353, South Building, Washington 25, D. C., or may be there inspected.

Dated: March 3, 1950, at Washington, D. C.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

[F. R. Doc. 50-1923; Filed, Mar. 8, 1950; 9:03 a. m.]

FEDERAL POWER COMMISSION

[18 CFR, Part 125]

[Docket No. R-115]

PRESERVATION OF RECORDS OF PUBLIC UTILITIES AND LICENSEES

NOTICE OF PROPOSED RULE MAKING

FEBRUARY 14, 1950.

(I) Notice is hereby given of proposed rule making in the above-entitled matter.

(II) Pursuant to the authority vested in it by the Federal Power Act (41 Stat. 1063, 49 Stat. 838, 16 U. S. C. 791-825r) and particularly sections 301 (a) and 309 (49 Stat. 854, 858; 16 U. S. C. 825, 825h) thereof, and subject to the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238, 5 U. S. C. 1003), the Commission proposes to amend Part 125 of the general rules and regulations (18 CFR, Chap. I, Part 125) to prescribe revised requirements for preservation of records of public utilities and licensees, as follows:

(III) Delete § 125.1 *General instructions*, and substitute therefor a revised § 125.1 reading as follows:

§ 125.1 *General instructions*—(a) (1) *Scope of the regulations in this part.* The regulations in this part apply to all accounts, records, memoranda, documents, papers, and correspondence prepared by or on behalf of the public utility or licensee as well as those which come into its possession in connection with the acquisition of property, such as by purchase, consolidation, merger, etc.

(2) The regulations in this part shall not be construed as requiring the preparation of accounts, records, or memoranda not required to be prepared by other regulations, such as the uniform system of accounts of the Commission.

(3) The regulations in this part shall not be construed as excusing compliance with any other lawful requirement for the preservation of records for periods longer than those prescribed herein.

(4) Unless otherwise specified in the annexed schedule, duplicate copies of records may be destroyed at any time: *Provided, however,* That such duplicate copies contain no significant information not shown on the originals and that precautions have been taken to assure the continued retention of the originals (or one true copy) for the full period required under the regulations in this part.

(5) Records other than those listed in the annexed schedule may be destroyed at the option of the public utility or licensee: *Provided, however,* That records which are used in lieu of those listed shall be preserved for the periods prescribed

for records used for substantially similar purposes.

(b) *Designation of supervisory official.* Each public utility or licensee subject to the regulations in this part shall designate an official to supervise the preservation and the authorized destruction of its records.

(c) *Protection and storage of records.* The public utility or licensee shall protect records subject to the regulations in this part from damage from fires, floods, and other hazards and, in the selection of storage spaces, safeguard the records from unnecessary exposure to deterioration from excessive humidity, dryness, or lack of proper ventilation.

(d) *Index of records.* There shall be available in the offices of the public utility or licensee a comprehensive and current index of the records of the public utility or licensee that are required to be preserved under the provisions of the regulations in this part. Such index shall indicate, by classes and general description, the physical location of the records and the location and title of the immediate custodian. Likewise, at each office or other depository where records are kept or stored, such records as are herein required to be preserved shall be so arranged, filed, or indexed that they may be readily identified and made available to representatives of the Commission.

(e) (1) *Preservation of records on microfilm.* As indicated in Schedule of Records and Periods of Retention, certain records may be microfilmed and the film retained in lieu of the original records, provided the procedures prescribed herein are followed.

(2) Indicators are used in the schedule to designate those records for which microfilms will be accepted in lieu of the original records.

M—Indicates that microfilms may be substituted for retention of the original records at any time after the use of the records for current recording puposes has been discontinued.

M 10, M 6, etc.—Indicates that microfilms may be substituted for retention of the original records only after the original records have been retained in their original form for the number of years corresponding to the numeral.

ME—Indicates records for which microfilms may be substituted for retention of the original records only for the period subsequent to the expiration, cancellation, supersedure, or other condition shown in the column, Period To Be Retained. Thus, for Item 9 (e), microfilms are not acceptable for current contracts; however, they are acceptable for expired or cancelled contracts the retention period for which is six years after expiration or cancellation.

(3) Absence of any of the "M" indicators explained above indicates that microfilms may not be substituted for retention of the records described.

(4) Prior to photographing, the records shall be so prepared, arranged, classified, and identified as readily to permit the subsequent location, examination, and reproduction of the photographs thereof. Any significant characteristic, feature, or other attribute of the original records which photography would not reflect clearly (e. g., that the record is a copy or that certain figures thereon are red), shall be so indicated on the records at the time of such arrangement, classification, and identification. When a number of the records to be microfilmed have in common such a characteristic or attribute, an appropriate notation identifying the characteristic or attribute may be indicated in a statement at the beginning of the roll of films instead of on each individual record.

(5) Each roll of film shall include a microfilm of a certificate or certificates stating that the photographs are direct and facsimile reproductions of the original records and that they have been made in accordance with prescribed instructions. Such certificate or certificates shall be executed by a person or persons having personal knowledge of the facts covered thereby.

(6) The photographic matter on each roll shall commence and end with a statement as to the nature and arrangement of the records reproduced, the name of the photographer, and the date. Rolls of film shall not be cut. Supplemental or retaken film, whether of misplaced or omitted documents or of portions of a film found to be spoiled or illegible or of other matter, shall be attached to the beginning of the roll, and in such event the aforementioned certificate or certificates shall cover also such supplemental or retaken film and shall state the reasons for taking such film.

(7) All film stock shall be of approved permanent-record microcopying type of 16-mm or 35-mm size, either perforated or unperforated, such as meets the minimum specifications of the National Bureau of Standards. (Such film stock may be identified by a manufacturer's mark, a solid triangle after the word "safety" in the edge marking of the film.) The photographing and processing shall be such that reproductions on photographic paper can be made, similar in size without significant loss of clarity of detail, during the period prescribed in this section for the retention of the records concerned. The public utility or licensee shall be prepared to furnish, at its own expense, appropriate standard facilities for reading the microfilm. If the Commission so directs, the public utility or licensee shall furnish photographic reproductions of any records the originals of which have been destroyed under the provisions of this instruction.

(8) The microfilm shall be indexed and retained in such manner as will render them readily accessible and identifiable. They shall be stored in such manner as to provide reasonable protection from hazards such as fire, flood, theft, etc. The films should be cared for in such manner as to prevent cracking, breaking, splitting, etc.

(f) *Destruction of records.* The destruction of the records permitted to be destroyed under the provisions of the regulations in this part may be performed in any manner elected by the public utility or licensee concerned. Precautions should be taken, however, to macerate or otherwise destroy the legibility of records, the content of which is forbidden by law to be divulged to unauthorized persons.

(g) *Premature destruction.* When any records are destroyed before the expiration of the prescribed period of retention, a certified statement listing, as far as may be determined, the records destroyed and describing the circumstances of accidental or other premature destruction shall be filed with the Commission within ninety (90) days from the date of discovery of such destruction. Discovery of loss of records is to be treated in the same manner as in the case of premature destruction.

(h) *Schedule of records.* The schedule of records annexed hereto shows the periods of time that designated records shall be preserved and the records for which microfilms may be substituted for retention of the original records, in accordance with the foregoing instructions.

INDEX TO SCHEDULE OF RECORDS AND PERIODS OF RETENTION

CORPORATE AND GENERAL

1. Capital stock records.
2. Bond records.
3. Securities authorizations from regulatory bodies.
4. Statements and reports filed with Securities and Exchange Commission.
5. Proxies and voting lists.
6. Minute books.
7. Titles, franchises, and licenses.
8. Permits.
9. Contracts and agreements.
10. General and subsidiary ledgers.
11. Journals.
12. Journal vouchers and journal entries.
13. Cash books.
14. Voucher registers.
15. Vouchers.
16. Accounts receivable.
17. Records of securities owned.
18. Insurance records.
19. Tax records.
20. Accountants' and auditors' reports.
21. Tabulating machine records.

PLANT AND DEPRECIATION RESERVE

22. Plant and construction ledgers.
23. Construction work orders.
24. Retirement work orders.
25. Plant additions and retirements not covered by work orders.
26. Appraisals and valuations.
27. Records of plant units.
28. Maps.
29. Engineering records.
30. Contracts and other agreements.
31. Reclassification of plant accounts.
32. Reserve for depreciation of electric plant.

TREASURY

33. Statements of funds and deposits.
34. Deposits with banks and others.
35. Receipts and disbursements.

REVENUE ACCOUNTING AND COLLECTING

36. Customers' service applications and contracts.
37. Rate schedules.
38. Customers' guarantee deposits.
39. Meter reading sheets and records.
40. Maximum demand charts and demand meter record cards.
41. Miscelaneous billing data.
42. Revenue summaries.
43. Customers' ledgers and records used in lieu thereof.
44. Merchandise sales—accounting and collecting.
45. Collection reports and records.
46. Customers' account adjustments.
47. Uncollectible accounts and customers' credit records.

PAY ROLL AND PERSONNEL RECORDS

48. Pay roll records.
49. Assignments, attachments, and garnishments.
50. Personnel records.
51. Employees' welfare and pension records.

(IV) Amend § 125.2 *Schedule of records and periods of retention*, by the addition of a column entitled "Microfilm Indicator" and Indicators therein, as follows:

CORPORATE AND GENERAL

Description of records	Period to be retained	Microfilm indicator
1. Capital stock records:		
(a) Capital stock ledgers	Permanently	M
(b) Capital stock subscription accounts	3 years	M
(c) Subscription notices and requests for allotment	do	M
(d) Stubs or similar records of capital stock certificates	Permanently	M
(e) Stock transfer registers	do	M
(f) Papers pertaining to or supporting transfers of capital stock	3 years	M
(g) Canceled capital stock certificates or certificates of destruction thereof.	Permanently	M
(h) Change of address notices of stockholders	Destroy at option after entries to records.	M
(i) Dividend notices and letters to stockholders (1 copy of each in connection with each dividend declaration).	Permanently	M
(j) Dividend registers	6 years	M
2. Bond records:		
(a) Registered bond ledgers	3 years after redemption	ME
(b) Bond subscription accounts	3 years	M
(c) Subscription notices and requests for allotment	do	M
(d) Stubs or similar records of bonds issued	3 years after redemption	ME
(e) Papers pertaining to or supporting transfers of registered bonds.	3 years	M
(f) Records of interest coupons paid and unpaid	Destroy at option in compliance with note below.	M
(g) Canceled bonds and paid interest coupons	do	M
NOTE: When any canceled bonds, receivers' certificates, notes, or interest coupons are destroyed a certificate of destruction giving full descriptive reference to the documents destroyed shall be made by the person or persons authorized to perform such destruction and shall be retained permanently by the utility. When documents represent debt secured by mortgage, the certificates of destruction shall also be authorized by a representative of the trustees acting in conjunction with the person or persons destroying the documents or shall have the trustees' acceptance thereon.		
3. Authorizations from regulatory bodies for issuance of securities:		
(a) Copies of applications to regulatory bodies for authority to issue stocks, bonds, and other securities, including copies of exhibits in support of such applications.	Permanently	M 10
(b) Official copies of opinions and orders of regulatory bodies granting authority to issue securities.	do	M 10
(c) Reports filed with regulatory bodies in compliance with authorizations to issue securities. (Reports of sales of securities, of application of proceeds, etc.) File copies of such reports and supporting papers.	do	M 10
4. Copies of registration statements and other data filed with the Securities and Exchange Commission in connection with offerings of securities for sale to the public, or the listing of securities on exchanges, including supporting papers; also copies of periodic reports and supporting papers filed in compliance with either the Securities Act of 1933 or the Securities Exchange Act of 1934.	do	M 10

CORPORATE AND GENERAL—Continued

Description of records	Period to be retained	Microfilm indicator
5. Proxies and voting lists:		
(a) Proxies of holders of voting securities	3 years	M
(b) Lists of holders of voting securities represented at meetings	6 years	M
6. Minute books of stockholders', directors', and directors' committee meetings.	Permanently	
7. Titles, franchises, and licenses:		
(a) Deeds and other title papers (including abstracts of title and supporting data).	6 years after property is disposed of unless surrendered to transferee.	
(b) Corporate charters of certificates of incorporation	Permanently	
(c) Franchises and certificates authorizing operations as a public utility.	do	
(d) Licenses (including amendments thereof) granted by Federal or State authorities for construction and operation of dams, reservoirs, power houses, etc.	do	
(e) Copies of formal orders of regulatory commissions served upon the utility.	do	
8. Permits:		
(a) Permits and granted applications for the use of facilities of others.	6 years after expiration or cancellation.	ME
(b) Copies of permits and applications granted others for the use of the utility's facilities.	do	ME
(c) Applications for the use of facilities not granted and copies of such applications.	Destroy at option	
(d) Permits of a temporary nature from municipalities or others to perform specific work, such as permits to open streets and place poles, and copies of petitions for such permits.	do	
9. Contracts and agreements (see also item 30):		
(a) Service contracts, such as for management, accounting, and financial services.	See Item 12b (2) if they affect cost of plant; otherwise, 10 years after expiration or cancelation.	ME
(b) Contracts with other electric utilities for the purchase, sale, or interchange of electric energy.	6 years after expiration or cancelation.	ME
(c) Leases pertaining to rentals of property to or from others	do	ME
(d) Contracts and agreements with individual employees, labor unions, company unions, and other employee organizations relative to wage rates, hours, and similar matters.	do	ME
(e) Contracts and agreements with employees and associated companies for the purchase or sale of the company's own securities.	do	ME
(f) Memoranda clarifying or explaining provisions of contracts listed above.	For same periods as contracts to which they relate.	ME
(g) Card or book records of contracts, leases, and agreements made, showing dates of expirations and of renewals, memoranda of receipts and payments under such contracts, etc.	do	ME
(h) Summaries and abstracts of contracts, leases, and agreements, covered by items above.	Destroy at option	
10. General and subsidiary ledgers:		
(a) General ledgers and ledgers subsidiary or auxiliary thereto except customers' and stores ledgers provided for elsewhere.	Permanently	
(b) Indexes to general and subsidiary ledgers	do	
(c) Trial balance sheets of general and subsidiary ledgers	10 years	
11. Journals:		
General and subsidiary journals, including departmental and divisional journals.	Permanently	
12. Journal vouchers and journal entries:		
(a) General, departmental, divisional, and petty journal vouchers.	do	
(b) Material and supplies disbursement and labor distribution records supporting journal vouchers:		
(1) Affecting operations and maintenance only	10 years	
(2) Affecting plant	(1)	
NOTE: Daily time tickets and material issued tickets may be destroyed at option if the basic information contained thereon is transcribed to other records if such other records are retained in accordance with this instruction.		
(c) Papers forming part of or necessary to explain journal vouchers except as covered by Item 12 (b), above.	Permanently	
(d) Schedules for recurring journal entries	Destroy when superseded	
(e) Lists of standard journal entry numbers	do	
13. Cash books:		
(a) Treasurers' and auditors' general cash books	Permanently	
(b) Cash books subsidiary or auxiliary to general cash books except those showing solely collections from customers.	do	
(c) Subsidiary cash records showing solely customers' collections	6 years	M
(d) Other cash books of a memorandum nature	3 years	M

[1] 12 (b) (2) 10 years, if (a) accounting adjustments resulting from reclassification and original cost studies have been approved by the regulatory commissions having jurisdiction; and (b) continuing plant inventory records are maintained, or (c) chronological distributions appear in work order records or cost ledger; otherwise, permanently.

CORPORATE AND GENERAL—Continued

Description of records	Period to be retained	Microfilm indicator
14. Voucher registers:		
(a) Voucher distribution registers	Permanently	
15. Vouchers:		
(a) Paid and canceled vouchers (1 copy), analysis sheets showing detailed distribution of charges on individual vouchers and other supporting papers.	Those relating to charges to plant—permanently, others—10 years.	
(b) Original bills and invoices for materials, services, etc., paid by vouchers and which should be attached thereto.	do	(2)
(c) Paid checks and receipts for payments by voucher or otherwise.	6 years	M
(d) Authorizations for the payment of specific vouchers	10 years	M
(e) Lists of unaudited bills (accounts payable), list of vouchers transmitted and memoranda regarding changes in unaudited bills.	Destroy at option	
(f) Voucher indexes	6 years	
16. Accounts receivable (see items 43 and 44 for accounts with customers for electric service and for merchandise sales):		
(a) Records of accounts receivable pertaining to sales of electric plant.	10 years	
(b) Record or register of accounts receivable and indexes thereto and summaries of distribution.	6 years	M
(c) Accounting department copies of invoices issued and supporting papers which do not accompany the original invoices.	do	M
(d) Authorizations for charges including supporting papers	do	M
(e) Periodic statements of unsettled accounts, except trial balances.	1 year	
(f) Schedule of invoices to be issued	Destroy at option	
17. Records of securities owned:		
Records of securities owned, in treasury, or with custodians	6 years	
18. Insurance records:		
(a) Ledgers, cards, or other records of insurance policies in force, showing coverage, premiums paid, and expiration dates.	6 years after expiration of policies	ME
(b) Records of self-insurance against losses from fire, casualties, and damages to property of others or to persons.	6 years	M
(c) Detailed schedules or spread sheets of monthly insurance charges to operating expenses and other accounts.	do	M
(d) Detailed schedules of monthly accruals for self-insurance	do	M
(e) Insurance policies	6 years after expiration	ME
(f) Records of amounts recovered from insurance companies in connection with losses and of claims against insurance companies, including reports of losses and supporting papers.	6 years	M
(g) Inspectors' reports and records of condition of property	1 year after superseded	ME
(h) Reports of minor losses not covered by insurance or less than minimum amount collectible.	3 years	M
(i) Insurance maps of property and structures erected thereon	During life of property	
(j) Records and statements relating to insurance requirements	Destroy at option	
19. Tax records:		
(a) Copies of schedules, returns, and supporting working papers to taxing authorities and records of appeals:		
(1) Federal income, excess profits, undistributed income, and capital stock taxes.	20 years	
(2) State income taxes	do	
(3) Other taxes	do	
(b) Tax bills from taxing authorities and receipts for payment	See item 15 (b)	
(c) Summaries of taxes paid by classes of taxes and by location	6 years	
(d) Summaries of taxes paid by taxing districts	do	
(e) Schedules of monthly accruals by classes of taxes and supporting papers showing how estimates of taxes to be paid were determined.	do	
(f) Restatements of schedules of taxes paid after giving effect to refunds and additional assessments.	do	
20. Accountants' and auditors' reports:		
(a) Reports of examinations and audits by accountants and auditors not in the regular employ of the utility. (Including reports of public accounting firms and regulatory commission accountants.)	Permanently	
(b) Internal audit reports and working papers	3 years	

[2] For invoices charged to stores (Account 131, Materials and Supplies, of the present system of accounts) microfilms may be substituted for retention of the original invoices after 6 years if dates, voucher references, amounts, and other pertinent details have been transcribed to materials ledger sheets and the materials ledgers are preserved as required by items 55 (a) and 12 (b). This permission shall not apply to voucher jackets or distribution sheets to which the invoices may be attached.

CORPORATE AND GENERAL—Continued

Description of records	Period to be retained	Microfilm indicator
21. Tabulating machine records (not including billing machine records):		
(a) Tabulating or punched cards used in assembling figures to be posted to an account:		
(1) Where a printed sheet or tape showing voucher number, account number, and amount on each sheet is not preserved:		
(i) Affecting operations and maintenance only	10 years	
(ii) Affecting plant	(3)	
(2) Where a printed sheet or tape described in (1) above is preserved.	Destroy at option of utility	
(b) Printed sheets or tapes showing the details and summaries of accounting data indicated on the punched cards:		
(1) Affecting operations and maintenance only	10 years	
(2) Affecting plant	(3)	

PLANT AND DEPRECIATION RESERVE

22. Plant and construction ledgers:		
(a) Ledgers of electric plant accounts, including land and other detailed ledgers, showing the cost of electric plant by classes.	Permanently	
(b) Construction work in progress ledgers	do	
23. Construction work orders and supplemental records:		
(a) Work order sheets to which are posted in summary form or in detail the entries for labor, materials, and other charges for electric plant additions and the entries closing the work orders to electric plant in service at completion.	do	
(b) Authorizations for expenditures for additions to electric plant, including memoranda showing the detailed estimates of cost and the bases therefor. (Including original and revised or subsequent authorizations.)	Relating to production plant, transmission lines, and transmission substations—6 years after plant has been retired. Other plant—10 years.	
(c) Requisitions and registers of authorizations for electric plant expenditures.	do	
(d) Completion or performance reports showing comparison between authorized estimates and actual expenditures for electric plant additions.	do	
(e) Analysis or cost reports showing quantities of materials used, unit costs, number of man-hours, etc., in connection with completed construction projects.	Permanently	
(f) Records and reports pertaining to progress of construction work, the order in which jobs are to be completed, and similar records which do not form a basis of entries to the accounts.	Destroy at option	
24. Retirement work orders and supplemental records:		
(a) Work order sheets to which are posted the entries for removal costs, materials recovered, and credits to electric plant accounts for cost of plant retired.	Permanently	
(b) Authorizations for retirement of electric plant, including memoranda showing the basis for determination of cost of plant to be retired and estimates of salvage and removal costs.	10 years	
(c) Registers of retirement work orders	do	
26. Summary sheets, distribution sheets, reports, statements, and papers directly supporting debits and credits to electric plant accounts not covered by construction or retirement work orders and their supporting records.	Permanently	
26. Appraisals and valuations made of the utility's property and all records, reports, and data pertaining thereto.	do	
27. Book or card records showing description, location, quantities, cost, etc., of physical units (or items) of electric plant owned.	Until record is superseded or 6 years after plant is retired, provided mortality data are retained.	
28. Maps showing the location and physical characteristics of production, transmission, and distribution systems of the utility.	Until map is superseded or 6 years after plant is retired, etc. (as above).	

[3] 10 years, if (a) accounting adjustments resulting from reclassification and original cost studies have been approved by the regulator commissions having jurisdiction; and (b) continuing plant inventory records are maintained, or (c) chronological distributions appear in work order records or cost ledger; otherwise, permanently.

PLANT AND DEPRECIATION RESERVE—Continued

Description of records	Period to be retained	Microfilm indicator
29. Engineering records in connection with construction projects:		
(a) Maps, diagrams, profiles, plans, photographs, records of engineering studies, and similar records in connection with proposed construction projects:		
(1) If construction of project results wholly or in part	Until record is superseded or 6 years after plant is retired.	
(2) If construction of project does not result	Destroy at option 6 years after completely accounting for expenses incurred.	
30. Contracts and other agreements relating to electric plant:		
(a) Contracts relating to acquisition or sale of plant	Permanently	
(b) Contracts and other agreements relating to services performed in connection with construction of electric plant of the utility (including contracts for the construction of plant by others for the utility and for supervision and engineering relating to construction work).	6 years after plant is retired	
31. Records pertaining to reclassifications of electric plant accounts to conform to prescribed systems of accounts, including supporting papers showing the bases for such reclassifications.	Permanently	
32. Records of reserve for depreciation of electric plant:		
(a) Detailed records or analysis sheets segregating the depreciation reserve according to functional classifications of plant.	do	
(b) Records supporting computation of depreciation expense of electric plant, including such data as life and salvage studies.	do	

TREASURY

33. Statements of funds and deposits:		
(a) Summaries and periodic statements of cash balances on hand and with depositories.	3 years	M
(b) Statements of managers and agents' cash balances on hand and with depositories.	2 years	M
(c) Authorizations for and statements of transfer of funds from one depository to another.	do	M
(d) Requisitions and receipts for funds furnished managers, agents, and others.	May be destroyed at option after funds have been returned or accounted for.	
(e) Records of fidelity bonds of employees and others responsible for funds of the utility.	Until liability of bonding company has expired.	
(f) Reports and estimates of funds required for general and special purposes.	2 years	M
34. Records of deposits with banks and others:		
(a) Bank deposit books	1 year	
(b) Copies of bank deposit slips	do	
(c) Advice of deposits made when information thereon is shown on other records which are retained.	Destroy at option	
(d) Statements from depositories showing the details of funds received, disbursed, transferred, and balances on deposit.	6 years	M
(e) Bank reconcilement papers	1 year	
(f) Statements from banks of interest credits	3 years	
(g) Check stubs, registers, or other records of checks issued	6 years	
(h) Correspondence and memoranda relating to the stopping of payment of bank checks and to the issuance of duplicate checks.	do	M
35. Records of receipts and disbursements:		
(a) Daily or other periodic statements of receipts or disbursements of funds.	3 years	M
(b) Records or periodic statements of outstanding vouchers, checks, drafts, etc., issued and not presented.	2 years	M
(c) Reports of managers and agents, showing working fund transactions, and summaries thereof.	3 years	M
(d) Reports of revenue collections by field cashiers, pay stations etc.	2 years	M

REVENUE ACCOUNTING AND COLLECTING

36. Customers' service applications and contracts:		
(a) Applications for electric service for which contracts have been executed.	Destroy at option	
(b) Applications for electric service used in lieu of contracts	1 year after service is discontinued.	
(c) Contracts and card files or other records thereof with customers for electric service (see also item 9 (h)).	1 year after expiration or cancellation.	
(d) Applications for electric service which were withdrawn by applicant or not granted by the utility.	1 year	
(e) Contracts or sales agreements with customers and others for sale of electric merchandise and appliances.	1 year after sales agreement is discharged.	
(f) Contracts for lease of motors, transformers, and other equipment to customers, including receipts for same.	1 year after expiration of contract or return of equipment.	

REVENUE ACCOUNTING AND COLLECTING—Continued

Description of records	Period to be retained	Microfilm indicator
36. Customers' service applications and contracts—Continued		
(g) Applications and contracts for extension of lines covered by refundable deposits or guarantees of revenue, also records pertaining to such contracts.	1 year after entire amount is refunded.	
(h) Applications and contracts for extension of lines for which donations or contributions are made by customers or others.	Permanently	M
37. Rate schedules:		
(a) General files of published rate sheets and schedules of electric service. (Including schedules suspended or superseded.)	do	
(b) Divisional or local office copies of rate sheets and schedules of electric service.	1 year after expiration or cancelation.	
38. Customers' guarantee deposits:		
(a) Customers' deposit ledgers or card records	6 years after refund	ME
(b) Customers' deposit certificate books	do	ME
(c) Receipts for customers' deposits refunded	do	ME
(d) Receipts for interest on customers' deposits	do	ME
39. Meter reading sheets and records:		
(a) Superseded meter reading sheets	3 years after superseded or service has been discontinued.	M
(b) Meter reread sheets (special readings to check high or low consumption).	3 years	M
(c) Customers' reading cards	do	M
(d) Connection and disconnection orders	do	M
(e) Superseded indexes to meter books	3 years after superseded or service has been discontinued.	M
40. Maximum demand charts and demand meter record cards	6 years	M
41. Miscellaneous billing data:		
(a) Connected load cards of customers	1 year after displaced or superseded.	M
(b) Records of residence room counts	do	M
(c) Billing department's copies of contracts with customers (in addition to contracts in general files).	Destroy at option after expiration	M
(d) Service and inspection orders from which customers are charged and sundry charge advices.	3 years	M
(e) Authorizations for charges under power contracts	1 year after expiration of contract	M
(f) Standard billing sheets or schedules (showing computed bills of varying consumption according to rates).	Destroy at option	
42. Revenue summaries:		
(a) Summaries of monthly operating revenues according to classes of service for entire electric utility.	6 years	
(b) Summaries of monthly operating revenues according to classes of service by towns, districts, or divisions. (Including summaries of forfeited discounts and penalties.)	do	
43. Customers' ledgers and other records used in lieu thereof:		
(a) Customers' ledgers	do	M
(b) Records used in lieu of customers' ledgers, such as bill summaries, registers, bill stubs, etc.	do	M
(c) Copies of large power bills:		
If details are transcribed to ledgers covered by item (a) above	Destroy at option	
If details are not transcribed to ledgers	6 years	M
(d) Trail balances of ledgers referred to above	3 years	M
(e) Indexes to customers' accounts	6 years	
(f) Change of address notices	Destroy at option	
(g) Cards and other records relating to forfeited discounts	3 years	M
(h) Special ledger records of customers exempt from taxes on electricity.	6 years	M
44. Merchandise sales—Accounting and collecting:		
(a) Merchandise sales tickets (duplicates) and charge slips for work done.	Destroy at option after annual audit and 6 months after account is settled.	
(b) Merchandise sales journals or registers and summaries of sales	6 years	M
(c) Merchandise ledgers and installment records	3 years after completion of payments.	ME
(d) Merchandise sales returns and adjustment tickets	Destroy at option after annual audit and 6 months after account is settled.	
(e) Cashiers' stubs for merchandise collections	3 years	M
(f) Cashiers' periodic reports and statements of collections on merchandise accounts.	do	M
(g) Records of monthly statements to customers	Destroy at option	
(h) Reports relating to status of merchandise accounts receivable	1 year	M
(i) Job orders and supporting details of charges to customers for work done.	3 years	M
(j) Indexes and trial balances of merchandise ledgers	do	M
45. Collection reports and records:		
(a) Periodic reports, lists, and summaries of collections of operating revenues by collectors, agents, and local or divisional or district offices (see item 35 (d)).	2 years	M
(b) Bill stubs, copies of bills, collection slips, and other records pertaining to collections, summarized or detailed in daily or periodic cash reports.	1 year	M

REVENUE ACCOUNTING AND COLLECTING—Continued

Description of records	Period to be retained	Microfilm indicator
45. Collection reports and records—Continued		
(c) Memorandum records of remittances from local or branch offices.	1 year	M
NOTE: See item 34 pertaining to deposits of cash with banks. Item 34 applies to all bank accounts whether at general, local, or divisional offices.		
46. Customers' account adjustments:		
(a) Detailed records pertaining to adjustments of customers' accounts for overcharges, undercharges, and other errors, results of which have been transcribed to other records.	1 year	M
(b) Detailed records of high-bill complaints whether or not resulting in adjustments to customers' accounts.	do	M
47. Uncollectible accounts and customers' credit records:		
(a) Records of ratings, credit classifications, and investigations of customers.	Destroy at option	
(b) Ledger accounts and supporting details of customers' accounts considered to be uncollectible.	For period legally collectible	M
(c) Reports and statements showing age and status of customers' accounts.	1 year	M
(d) Data on unpaid final bills	do	M
(e) Authorizations for writing off customers' accounts	6 years	M

PAY ROLL AND PERSONNEL RECORDS

Description of records	Period to be retained	Microfilm indicator
48. Pay roll records:		
(a) Pay roll sheets or registers of payments of salaries and wages to individual officers and employees. (See item (k) below for pension or annuity pay rolls and item 23 (a) for construction pay rolls).	10 years	
(b) Records showing the distribution of salaries and wages paid to officers and employees for each monthly, semimonthly, or weekly pay roll period and summaries or recapitulation statements of such distribution.	See item 12 (b)	
(c) Time tickets, time sheets, time books, time cards, workmen's reports and other records showing hours worked, description of work, and accounts to be charged.	do	
(d) Paid checks, receipts for wages paid in cash, and other evidences of payments for services rendered by employees.	3 years	M
(e) Receipts for pay rolls and pay checks delivered to paymasters or other employees for distribution.	Destroy at option	
(f) Applications and authorizations for changes in wage and salary rates, summaries and reports of changes in pay rolls, and similar records.	3 years	M
(g) Applications for pay roll changes not authorized	Destroy at option	
(h) Pay roll authorizations and records of authorized positions	3 years	M
(i) Records of deductions from pay rolls for social security taxes	4 years	M
(j) Comparative or analytical statements of pay rolls	6 years	M
(k) Pension or annuity pay rolls	10 years	
49. Assignments, attachments, and garnishments:		
(a) Record of assignments, attachments, and garnishments of employees' salaries, including files of notices, etc., pertaining thereto.	3 years	M
(b) Minors' salary releases	Destroy at option	
50. Personnel records:		
(a) Employees' service records, attendance, length of service, and other pertinent data.	3 years after termination of employment.	ME
(b) Applications for employment, requests for medical examination, medical examiner's report, photographs and other identification records, and other miscellaneous records pertaining to the hiring of employees.	Destroy at option	
51. Employees' welfare and pension records:		
(a) Records pertaining to employees' recreational, educational, hospital, benefit, accident prevention, and similar activities.	6 years	M
(b) Detailed records showing computations of accruals for pension liabilities.	Permanently	
52. Instructions to employees and others:		
(a) Bulletins or memoranda of general instructions to employees pertaining to accounting, engineering, operating, maintenance, or construction methods and procedure. (If copies of instructions covered by (a) above are kept in the general files of the department in which the complete official file is maintained, other copies in the various departments may be destroyed after expiration or cancellation.)	Permanently for major broad changes in accounting practices; for other bulletins, memoranda, or general instructions, 6 years after expiration or supersession.	
(b) Notices to employees on matters of discipline, deportment, and other similar subjects.	Destroy at option	
NOTE: If copies of instructions covered by (a) above are kept in the general files of the department in which the complete official file is maintained, other copies in the various departments may be destroyed after expiration or cancellation.		

PAY ROLL AND PERSONNEL RECORDS—Continued

Description of records	Period to be retained	Microfilm indicator
53. Organization diagrams and charts	Destroy at option	

PURCHASES AND STORES

Description of records	Period to be retained	Microfilm indicator
54. Purchases:		
(a) Advices or requisitions from storekeeper and others for the purchase of materials and supplies or services.	Destroy at option	
(b) Bids received from vendors in connection with the purchases of materials and supplies.	3 years	M
(c) Purchasing department copy of purchase orders and specifications of materials ordered.	6 years	M
(d) Contracts for the purchase of materials and supplies:		
(1) Contracts for materials used directly in construction	(*)	
(2) Contracts for other material	6 years	
(e) Purchasing department copies of invoices for materials and supplies (see item 15 (b) for original invoices).	Destroy at option	
(f) Registers or similar records of invoices	6 years	
(g) Price records or indexes of purchases	Destroy at option	
(h) Advices from vendors acknowledging receipt of orders for materials and supplies, notices of shipment, packing slips, and copies of bills of lading.	do	
(i) Receipts or delivery tickets issued for materials and supplies received in installments and subsequently surrendered with and in support of invoices or bills covering complete purchases.	do	
(j) Demurrage or car records showing periods freight cars are held on company sidings.	do	
(k) Copies of notices to vendors for materials and supplies returned for credit or repair.	do	
(l) Lists or records of invoices transmitted to or from storekeepers	do	
(m) Records and reports used for checking and tracing materials and supplies covered by invoices provided for in item (e) above.	do	
55. Material ledgers:		
(a) Ledger sheets and card records of materials and supplies received, issued, and on hand.	See item 12 (b)	
(b) Statements of materials and supplies on hand, per ledgers	3 years	M
56. Materials and supplies received and issued:		
(a) Records and reports pertaining to receipt of materials and supplies.	do	M
(b) Records of inspecting and testing materials and supplies	Destroy at option	
(c) Records showing the detailed distribution of materials and supplies issued during accounting periods.	See item 12 (b)	
(d) Material disbursement tickets showing quantities, unit prices, and accounts to be charged for materials and supplies issued from stores for use.	do	
(e) Materials returned credit slips, showing details of materials returned to stock.	do	
(f) Requisitions and receipts for materials and supplies issued, the details of the issues being set forth in the material disbursement tickets.	Destroy at option	
(g) Records and reports of materials and supplies transferred from one department, storeroom, or division to another.	3 years	M
(h) Records and reports of materials recovered and returned to stock if transcribed to records covered by item (c) above.	do	M
(i) Records and reports of materials and supplies issued to individuals or gangs of employees to be accounted for when used or returned to stock.	After being accounted for	
(j) Minor records and reports pertaining to materials and supplies not involving costs or final disposition, such as reports of unfilled requisitions, authorizations for additions to stock, and similar records; also, storeroom copies of purchase orders and price records, other copies being retained in files of purchasing department.	Destroy at option	
57. Records of sales of scrap and materials and supplies:		
(a) Authorizations for sale of scrap and materials and supplies	6 years	M
(b) Contracts for sale of scrap and materials and supplies	do	M
(c) Memoranda pertaining to sale of scrap and materials and supplies.	do	M
58. Inventories of materials and supplies:		
(a) General inventories of materials and supplies on hand with records of adjustments of accounts required to bring stores records into agreement with physical inventories.	3 years	M
(b) Stock cards, inventory cards, and other detailed records pertaining to the taking of inventories if abstracted into records covered by (a) above.	Destroy at option	

* 25 years, except that those relating to the construction of licensed projects, or additions or betterments thereto, for which the Commission has not determined the actual legitimate original cost, shall be retained 25 years and until such cost has been determined.

PURCHASE AND STORES—Continued

Description of records	Period to be retained	Microfilm indicator
58. Inventories of materials and supplies—Continued (c) Minor inventories of materials and supplies on hand if not reflected in adjustments of accounts.	Destroy at option	

OPERATIONS

59. Production:		
(a) Boiler room, condenser room, turbine room, and pump room logs, including supporting data.	3 years	M
(b) Boiler room and turbine room reports of equipment in service and performance.	do	M
(c) Boiler-tube failure report	do	M
(d) Generation and output logs with supporting data	6 years	M
(e) Station and system generation reports	(2)	
(f) Generating high-tension and low-tension load records	6 years	M
(g) Oil and waste reports	3 years	M
(h) Load curves, temperature logs, coal and water logs	do	M
(i) Gage-reading reports	3 years, except river flow data collected in connection with hydro-operation shall be retained permanently.	
(j) Recording instrument charts	3 years	M
(k) Load dispatcher's and station permits	do	M
60. Transmission and distribution:		
(a) Substation and transmission line logs	6 years	M
(b) System operator's daily logs and reports of operation	do	M
(c) Storage battery and other equipment logs and records	3 years	M
(d) Interruption logs and reports	6 years	M
(e) Records of substation general inspections and operation tests	3 years	M
(f) Apparatus failure reports	6 years	M
(g) Line-trouble reports and records	3 years	M
(h) Lightning and storm data	6 years	M
(i) Insulator test records	3 years	M
(j) Reports on inspections and repairs of all street openings	6 years	M
(k) Records of meter tests	Until superseding test but not less than 2 years.	
(l) Meter shop reports (monthly reports summarizing tests, repairs, etc.).	6 years	M
(m) Meter history records	For life of meter	
(n) Transformer history records	For life of transformer	
(o) Records of transformer inspections, oil tests, etc	6 years	M
(p) Pole, tower, structure, equipment, and other history records	For life of equipment	
NOTE: Life or mortality study data for depreciation purposes shall be retained permanently. (Do not microfilm.)		
61. Customers' service:		
(a) Reports of inspections of customers' premises	3 years	M
(b) Records and reports of customers' service complaints	do	M
(c) Survey of customers' premises to determine type of service and equipment to be installed.	do	M
(d) Records of installed customers' appliances	do	M
62. Records of auxiliary and other operations: Records of operations other than electric utility operations	For the same periods as prescribed in these regulations for similar records pertaining to electric operations.	

STATISTICS

63. Annual, quarterly, monthly, or other periodic financial, operating, and statistical reports regularly prepared in the course of business to show the results of electric operations and the financial condition of the utility, including supporting detailed reports and statements essential to verification of the main reports.	Annual reports permanently; other reports 6 years.	
64. Reports to stockholders:		
(a) Annual reports or statements to stockholders, file copies of and supporting papers.	Permanently	
(b) Written acknowledgments of receipts of reports to stockholders and written requests for copies of such reports.	Destroy at option	
65. Reports to Federal and State regulatory commissions:		
(a) Annual financial, operating, and statistical reports, file copies of, and supporting papers.	Permanently	

[2] 25 years, except that those relating to licensed projects, or additions or betterments thereto, for which the Commission has not determined the actual legitimate original cost, shall be retained 25 years and until such cost has been determined.

STATISTICS—Continued

Description of records	Period to be retained	Microfilm indicator
65. Reports to Federal and State regulatory commissions—Con.		
(b) Monthly and quarterly reports of operating revenues, expenses, and statistics, file copies of, and supporting papers.	3 years after current year	
(c) Special or periodic reports, including supporting papers, on the following subjects:		
(1) Transactions with associated companies	6 years	
(2) Budgets of expenditures	do	
(3) Accidents	do	
(4) Employees and wages	do	
(5) Loans to officers and employees	3 years after fully paid	
(6) Issues of securities (see items 3 (c) and 4)	Permanently	M 10
(7) Purchases and sales electric properties	do	
(8) Plant changes—units added and retired	do	
(9) Service interruptions	6 years	
(10) Other matters	do	
66. Miscellaneous statistical reports, statements, and summaries (not covered elsewhere in these regulations) prepared for administrative or operating purposes only and not used as the basis for entries to the accounts of the utility.	Destroy at option	
67. Tabulating cards used only in compilation of statistics, when the results are transcribed to other records covered by these regulations (see item 21).	Destroy at option after appropriate summaries have been made.	

MISCELLANEOUS

68. Maintenance work orders and job orders:		
(a) Authorizations for expenditures for maintenance work to be covered by work orders, including memoranda showing the estimates of costs to be incurred.	6 years	
(b) Work order sheets to which are posted in detail the entries for labor, material, and other charges in connection with maintenance and other work pertaining to electric operations.	do	
(c) Summaries of expenditures on maintenance work orders and job orders and clearances to operating and other accounts (exclusive of plant accounts).	do	
69. Detailed estimates (and authorizations) of future annual or monthly expenditures to be incurred for operations, maintenance, and taxes by the utility or operating departments, districts, or divisions, including revisions of such estimates and memoranda showing reasons for revisions; also records showing comparison of actual expenses with estimated.	3 years	
70. Injuries and damages:		
(a) Claim registers, card or book indexes, and similar records in connection with claims presented against the utility in connection with accidents resulting in damages to the property of others or in personal injuries to employees and others.	6 years after settlement or rejection	ME
(b) Papers, reports, statements of witnesses, etc., relating to individual claims against the utility necessary to the support or rejection of such claims.	do	ME
(c) Other papers, reports, or statements, pertaining to accidents, resulting in property damages or personal injuries, not necessary to th support or rejection of claims.	Destroy at option	
(d) Detailed schedules or spread sheets of payments to others for personal injuries or for property damages.	6 years	M
(e) Detailed schedules of periodic accruals to reserves for injuries and damages or for self-insurance.	do	M
71. Correspondence:		
(a) Correspondence and indexes thereto relating to subjects covered by other items of these regulations,[1]	For the period prescribed for the item to which it relates where necessary to a proper explanation of same.	
(b) Stenographers' notebooks and dictaphone or other mechanical device records.	Destroy at option	
(c) Mailing lists of prospects for appliance sales, securities, etc	do	
72. Other miscellaneous records:		
(a) Copies of advertisements of the utility in newspapers, magazines, and other publications, including records thereof.	6 years	M
(b) Receipts and records pertaining to delivery of articles to employees, such as badges, keys, and material receipt books.	Destroy at option after accounted for.	
(c) Records of building space occupied by various departments of the utility.	6 years	M
(d) Indexes of forms used by company	do	M
(e) Transmittal lists or forms used for indicating papers and records forwarded from one department to another, provided such lists do not contain data affecting the accounts of the company.	Destroy at option	

[1] As may be permitted for items to which correspondence relates.

MISCELLANEOUS—Continued

Description of records	Period to be retained	Microfilm indicator
73. Duplicate accounts, records, and memoranda: Duplicate copies of accounts, records, and memoranda listed in these regulations if all information on such duplicates is contained in the originals or other copies retained, and if such duplicates are not specifically provided for in these regulations.	Destroy at option	

(V) The proposed rule making is the result of studies made by, and recommendations of, the Committee on Statistics and Accounts of the National Association of Railroad and Utilities Commissioners in whose work this Commission's staff particiapted. The purpose of the proposed rule making is to make certain revisions of the general instructions and to specify the types of records for which microfilms may be substituted in lieu of retention of the original records and the conditions to be observed in preparing, indexing and storing microfilms. These are the only changes proposed at this time, and views and comments should be limited thereto.

(VI) Any interested person may submit to the Federal Power Commission, Washington 25, D. C., on or before April 7, 1950, data, views, and comments in writing concerning the proposed amendments. The Commission will consider these written submittals before acting upon the proposed amendments. Unless the written responses require reconsideration of this decision, it is not the Commission's intention to hold a hearing or have oral argument on the proposed rule making.

J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-1892; Filed, Mar. 8, 1950; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

PAONIA PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

MAY 24, 1949.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

PAONIA PROJECT

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 13 S., R. 91 W.,
Sec. 21, Lots 1, 5, and 6.
T. 13 S., R. 92 W.,
Sec. 36, NE¼NE¼.
T. 14 S., R. 92 W.,
Sec. 3, NE¼SE¼;
Sec. 17, SW¼NW¼;
Sec. 18, Lot 2, E½NW¼.
T. 14 S., R. 93 W.,
Sec. 13, SE¼SW¼, NE¼SE¼;
Sec. 22, SW¼NE¼, E½NW¼.

The above areas aggregate 561.02 acres.

Notice for filing objections. Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Colorado, for use in connection with the Paonia Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WESLEY R. NELSON,
Assistant Commissioner,
Bureau of Reclamation.

I concur. The records of the Bureau of Land Management and the District Land Office will be noted accordingly.

ROSCOE BELL,
Associate Director,
Bureau of Land Management.

SEPTEMBER 14, 1949.

[F. R. Doc. 50-1880; Filed, Mar. 8, 1950; 8:54 a. m.]

[Commissioner's Order 3]

INCLUSION OR EXCLUSION OF LANDS IN IRRIGATION DISTRICTS

REDELEGATION OF AUTHORITY

Redelegation of authority. Pursuant to the authority delegated by the Secretary to the Commisioner in Secretary's Order No. 2524 (14 F. R. 3592), each Regional Director is authorized with respect to all projects within his region to approve the inclusion of lands within or the exclusion of lands from the boundaries of an irrigation district or from the control of other water users' organizations whenever the repayment obligation of such irrigation district or other water users' organization will not be impaired thereby. This redelegation of authority is not applicable to the Columbia Basin Project, which is treated separately in Circular Letter 3387, Supplemnt No. 3, dated February 24, 1949.

KENNETH MARKWELL,
Acting Commissioner of Reclamation.

[F. R. Doc. 50-1881; Filed, Mar. 8, 1950; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

WESTERN UNION TELEGRAPH CO.

APPLICATION FOR PERMISSION TO EMPLOY MESSENGERS AT WAGES LOWER THAN MINIMUM WAGE

The Western Union Telegraph Company, pursuant to regulations, Part 523 (regulations applicable to employment of messengers pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended), has made application for authorization to employ messengers at wages lower than the applicable minimum wage specified in section 6 of the act.

After due notice a hearing on said application was held beginning December 22, 1949, and continued on December 23, 28, 29, 30, and January 4, 1950, before Isabel Ferguson, designated by the Administrator of the Wage and Hour Division as Presiding Officer to receive evidence, hear argument and make findings of fact and recommendations on the following questions:

1. Is it necessary, in order to prevent curtailment of opportunities for employment, to provide by regulations or orders for the employment in the telegraph industry of messengers, employed primarily in delivering letters and messages, under special certificates, at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938, as amended; and if such necessity is found to exist,

2. Under what limitations as to wages, time, number, proportion and length of service may special certificates be issued authorizing the employment of such messengers at subminimum wage rates.

Following the hearing, the Presiding Officer, on the basis of the record, found and concluded that no showing has been made that it is necessary in order to prevent curtailment of employment opportunities to provide for employment of messengers in the telegraph industry at wages lower than the minimum wage applicable under section 6 of the act, and recommended that the application of the Western Union Telegraph Company be denied. The findings and recommendation of the Presiding Officer were filed with the Administrator together with the complete record of the proceedings on March 3, 1950. Copies of the findings and recommendation of the Presiding Officer are available to interested persons upon request to the Administrator, Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Notice is hereby given that interested persons may, within fifteen days from publication hereof in the FEDERAL REGIS-

TER, file with the Administrator of the Wage and Hour Division, in writing, exceptions and objections to the findings and recommendation of the Presiding Officer. Upon consideration of any such exceptions and objections the Administrator may, if he deems it necessary, afford all interested persons an opportunity to be heard either in support of or in opposition to the findings and recommendation of the Presiding Officer.

Signed at Washington, D. C., this 3d day of March 1950.

WM. R. MCCOMB,
Administrator.

[F. R. Doc. 50-1883; Filed, Mar. 8, 1950; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1326]

COLORADO INTERSTATE GAS CO. AND CANADIAN RIVER GAS CO.

NOTICE OF APPLICATION

MARCH 2, 1950.

Take notice that Colorado Interstate Gas Company (Colorado), a Delaware corporation with office at Colorado Springs, Colorado, and Canadian River Gas Company (Canadian), a Delaware corporation, with office at Amarillo, Texas (Applicants), filed on February 13, 1950, a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Colorado to acquire, by means of a merger of Canadian into Colorado, all the facilities used for the transportation or sale of natural gas subject to the jurisdiction of the Commission and authorizing Colorado to operate the facilities and perform the services now carried on by both companies, except such as will be eliminated by such merger. In the event that the Commission issues a certificate authorizing such acquisition by means of merger, Colorado requests a certificate of public convenience and necessity authorizing Colorado to construct and operate (1) approximately 175 miles of 20-inch O. D. pipeline extending from a point near Bivins Compressor Station now owned by Canadian in the Amarillo Gas Field in Texas to the Lakin Compressor Station in Kansas, and (2) a 4,800-horsepower compressor station to be located at the southern terminus of the projected line. This proposed pipeline system would be used to deliver natural gas into Colorado's existing Lakin to Denver pipeline to provide an additional supply for the rapidly expanding markets in the Rocky Mountain area.

Colorado states that the proposed acquisition by merger is a condition precedent to the proposed construction. Colorado further states that the proposed facilities are needed to provide an additional gas supply for the Rocky Mountain markets served by Colorado, but construction cannot be undertaken of such facilities due to the fact that present loan agreements made by Colorado prohibit a total funded debt greater than ⅔ of net plant investment. Such restriction on Colorado results in a present borrowing capacity of $3,775,000, and its proposed construction budget of 1950 totals $12,228,000 including funds to be advanced to Canadian. Colorado further states that by means of the acquisition by merger, the needed additional net investment value can be provided and the proposed facilities can be constructed to provide the service that is needed.

Colorado and Canadian propose to effect the merger by acquisition from Southwestern Development Company (Southwestern), of all of the common stock of Canadian in exchange for a transfer by Colorado of all of the hydrocarbons contained in all of the natural gas now owned by Canadian, excepting such as may be presently committed to Amarillo Oil Company. In addition, Colorado proposes to grant Southwestern the right to market the liquid hydrocarbons produced in the plant or plants owned by Colorado subject to designated terms, including provision for payment to Colorado of fifty percent of the gross receipts obtained from the sale of such hydrocarbons. Southwestern will also receive 85% of the net earnings to which Colorado, as successor to Canadian, would be entitled from the extraction operations of Texoma Natural Gas Company on the gas delivered to Texoma for the account of Natural Gas Pipeline Company of America. The estimated over-all capital cost to Colorado of the proposed construction, including production and gathering facilities, is $12,228,000 which will be financed by borrowings from institutional lenders on terms generally the same as contained in presently effective loan agreements and at interest rates current at the time the loan is negotiated.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) within 15 days from the date of publication hereof in the FEDERAL REGISTER. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 50-1882; Filed, Mar. 8, 1950; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 24912]

PAPER PLATFORMS FROM TRUNK LINE AND NEW ENGLAND TERRITORIES

APPLICATION FOR RELIEF

MARCH 6, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin and I. N. Doe, Agents, for and on behalf of carriers parties to fourth-section application No. 18704.

Commodities involved: Platforms for packing, fibreboard, pulpboard or strawboard, carloads.

From: Points in Trunk Line and New England territories.

To: Border territory in North Carolina, southern Virginia, Kentucky and northeastern Tennessee.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: C. W. Boin's tariff I. C. C. No. A-726, Supplement 198.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 50-1904; Filed, Mar. 8, 1950; 8:52 a. m.]

[4th Sec. Application 24913]

PASSENGER FARES FROM DURHAM AND WINSTON-SALEM, N. C., TO ST. LOUIS, MO.

APPLICATION FOR RELIEF

MARCH 6, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: V. Arnold, Agent, for and on behalf of the Norfolk and Western Railway Company.

Commodities involved: One-way and round-trip passenger fares.

From: Durham and Winston-Salem, N. C.

To: St. Louis, Mo.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hear-

ing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-1905; Filed, Mar. 8, 1950; 8:52 a. m.]

[4th Sec. Application No. 24914]

COKE FROM DAINGERFIELD, TEX., TO THE SOUTH

APPLICATION FOR RELIEF

MARCH 6, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3799.

Commodities involved: Coke, carloads.

From: Daingerfield, Tex.

To: Mt. Pleasant, Tenn., Emco and Listerhill, Ala.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3799, Supplement 19.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-1906; Filed, Mar. 8, 1950; 8:52 a. m.]

[4th Sec. Application 24915]

ILMENITE ORE FROM MELBOURNE, FLA., TO OFFICIAL TERRITORY

APPLICATION FOR RELIEF

MARCH 6, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for and on behalf of carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 979.

Commodities involved: Ilmenite ore and concentrates, carloads.

From: Melbourne, Fla.

To: Points in Official territory.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 979, Supplement 110.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-1907; Filed, Mar. 8, 1950; 8:52 a. m.]

[Rev. S. O. 562, King's I. C. C. Order 15]

ANN ARBOR RAILROAD CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Homer C. King, Agent, The Ann Arbor Railroad Company, because of ice conditions in Green Bay making it impossible to operate its car ferry, is unable to transport traffic routed over its lines to, from or via the Port of Menominee, Michigan: It is ordered, that:

(a) *Rerouting traffic.* The Ann Arbor Railroad Company is hereby authorized and directed to reroute or divert traffic on its lines, routed over its lines to, from or via the Port of Menominee, Michigan, over any available route to expedite the movement; the billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) *Effective date.* This order shall become effective 12:01 a. m., March 3, 1950.

(e) *Expiration date.* This order shall expire at 11:59 p. m., April 15, 1950, unless otherwise modified, changed, suspended or annulled.

It is further ordered, that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement.

Issued at Washington, D. C., March 3, 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Agent.

[F. R. Doc. 50-1908; Filed, Mar. 8, 1950; 8:52 a. m.]

[S. O. 844, Special Directive 88]

LITCHFIELD AND MADISON RAILWAY CO.

FURNISHING CARS FOR FUEL COAL FOR ANN ARBOR RAILROAD

On March 3, 1950, The Ann Arbor Railroad Company certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, The Litchfield and Madison Railway Company is directed:

(1) To furnish weekly to Mine No. 2, Staunton, Ill., sufficient cars suitable for the loading and transportation of 3,100 tons of 4" x 1¼" washed and 6" x 1¼" egg grade locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above named tonnage of locomotive fuel coal certified as necessary by The Ann Arbor Railroad Company is supplied.

A copy of this special directive shall be served on The Litchfield and Madison Railway Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-1909; Filed, Mar. 8, 1950; 8:52 a. m.]

[S. O. 844, Special Directive 39]

PENNSYLVANIA RAILROAD CO.

FURNISHING CARS FOR FUEL COAL FOR ANN ARBOR RAILROAD

On March 3, 1950, The Ann Arbor Railroad Company certified that it had

on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, The Pennsylvania Railroad Company is directed:

(1) To furnish weekly to the Healy mine, Cadiz, Ohio sufficient cars suitable for the loading and transportation of 300 tons of 8'' Run of Mine grade locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above named tonnage of locomotive fuel coal certified as necessary by The Ann Arbor Railroad Company is supplied.

A copy of this special directive shall be served on The Pennsylvania Railroad Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 50-1910; Filed, Mar. 8, 1950; 8:52 a. m.]

[S. O. 844, Special Directive 40]

ILLINOIS TERMINAL RAILROAD CO.

FURNISHING CARS FOR FUEL COAL FOR ANN ARBOR RAILROAD

On March 3, 1950, The Ann Arbor Railroad Company certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified;

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, the Illinois Terminal Railroad Company is directed:

(1) To furnish weekly to the Gillespie Mine (Little Dog) cars suitable for the loading and transportation of 1,450 tons of 4'' x 1¼'' or 6'' modified grade locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above named tonnage of locomotive fuel coal certified as necessary by The Ann Arbor Railroad Company is supplied.

A copy of this special directive shall be served on the Illinois Terminal Railroad Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 50-1911; Filed, Mar. 8, 1950; 8:52 a. m.]

[S. O. 844, Special Directive 41]

NEW YORK CENTRAL CO.

FURNISHING CARS FOR FUEL COAL FOR ANN ARBOR RAILROAD

On March 3, 1950, The Ann Arbor Railroad Company certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified;

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, The New York Central Company is directed:

(1) To furnish weekly to the Reliance Mine, Nokomis, Illinois, sufficient cars suitable for the loading and transportation of 475 tons of modified mine run 6'' top size locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above-named tonnage of locomotive fuel coal certified as necessary by The Ann Arbor Railroad Company is supplied.

A copy of this special directive shall be served on The New York Central Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 50-1912; Filed, Mar. 8, 1950; 8:53 a. m.]

[S. O. 844, Special Directive 42]

ST. LOUIS AND O'FALLON RAILWAY CO.

FURNISHING CARS FOR FUEL COAL FOR ANN ARBOR RAILROAD

On March 3, 1950, The Ann Arbor Railroad Company certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified;

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, The St. Louis and O'Fallon Railway Company is directed:

(1) To furnish weekly to the Black Eagle Mine #2 sufficient cars suitable for the loading and transportation of 475 tons of 6'' x 1¼'' washed Egg grade locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above named tonnage of locomotive fuel coal certified as necessary by The Ann Arbor Railroad Company is supplied.

A copy of this special directive shall be served on The St. Louis and O'Fallon Railway Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director, Bureau of Service.

[F. R. Doc. 50-1913; Filed, Mar. 8, 1950; 8:53 a. m.]

[S. O. 844, Special Directive 43]

GULF, MOBILE AND OHIO RAILROAD CO.

FURNISHING CARS FOR FUEL COAL FOR ANN ARBOR RAILROAD

On March 3, 1950, The Ann Arbor Railroad Company certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, The Gulf, Mobile and Ohio Railroad Company is directed:

(1) To furnish weekly to the Virden mine sufficient cars suitable for the load-

ing and transportation of 500 tons of 6" x 1¼" screened Egg grade locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above named tonnage of locomotive fuel coal certified as necessary by The Ann Arbor Railroad Company is supplied.

A copy of this special directive shall be served on The Gulf, Mobile and Ohio Railroad Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-1914; Filed, Mar. 8, 1950; 8:53 a. m.]

[S. O. 844, Special Directive 44]

LITCHFIELD AND MADISON RAILWAY CO.

FURNISHING CARS FOR FUEL COAL FOR ANN ARBOR RAILROAD

On March 3, 1950, The Ann Arbor Railroad Company certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, the Litchfield and Madison Railway Company is directed:

(1) To furnish weekly to the Mine No. 2, Staunton, Ill., sufficient cars suitable for the loading and transportation of 250 tons of 4" x 1½" washed Egg grade locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above named tonnage of locomotive fuel coal certified as necessary by The Ann Arbor Railroad Company is supplied.

A copy of this special directive shall be served on the Litchfield and Madison Railway Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-1915; Filed, Mar. 8, 1950; 8:53 a. m.]

[S. O. 844, Special Directive 45]

WABASH RAILROAD CO.

FURNISHING CARS TO DESIGNATED MINES ON ITS LINES FOR LOCOMOTIVE FUEL COAL

On March 3, 1950, the Wabash Railroad Company certified, through its proper officer, that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piles or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, the Wabash Railroad Company is directed:

(1) To furnish weekly to the individual mines listed in Appendix A or, where so indicated to groups of mines whose output is controlled by companies or corporations sufficient cars suitable for the transportation of the required number of tons of the type of coal described.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above-named tonnage of locomotive fuel coal certified as necessary by the Wabash Railroad Company is supplied.

A copy of this special directive shall be served on the Wabash Railroad Company through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

APPENDIX A

Mine	Grade	Number of tons weekly
Mine No. 7	Modified egg (washed)	1,250
Mine No. 15	Modified egg or run of mine	5,000
Mine No. 58	Modified egg	2,200
Taylor-English	do	450
Mark Twain	Modified egg (washed)	1,800
New Pershing	4" x 1¼" screened egg	475
Bussey	5" x 2" egg	375

[F. R. Doc. 50-1916; Filed, Mar. 8, 1950; 8:53 a. m.]

[S. O. 844, Special Directive 46]

SPRINGFIELD TERMINAL RAILWAY CO.

FURNISHING CARS FOR FUEL COAL FOR ANN ARBOR RAILROAD

On March 3, 1950, The Ann Arbor Railroad Company certified that it had on that date less than nine (9) days' supply of fuel coal for locomotives (including fuel coal stock piled or loaded on cars on its line) and that not having available on its line a dependable source of supply of locomotive fuel coal, deems it necessary to increase its supply from the mine sources and in the average weekly amount herein specified:

Therefore, pursuant to the authority vested in me in paragraph (b) of Service Order No. 844, The Springfield Terminal Railway Company (Illinois) is directed:

(1) To furnish weekly to Mine No. 59, Springfield, Ill., sufficient cars suitable for the loading and transportation of 2,500 tons of modified Egg grade locomotive fuel coal.

No cars may be supplied this mine for loading of other than railroad locomotive fuel coal in grades called for by railroad purchase orders unless and until the above named tonnage of locomotive fuel coal certified as necessary by The Ann Arbor Railroad Company is supplied.

A copy of this special directive shall be served on The Springfield Terminal Railway Company (Illinois) through the Car Service Division of the Association of American Railroads and notice of this directive shall be given the public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March A. D. 1950.

INTERSTATE COMMERCE COMMISSION,
HOMER C. KING,
Director,
Bureau of Service.

[F. R. Doc. 50-1917; Filed, Mar. 8, 1950; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2045]

UNION PRODUCING CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 3d day of March A. D. 1950.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Union Producing Company ("Union"), a wholly owned non-utility subsidiary of United Gas Corporation ("United"), a gas utility subsidiary of Electric Bond and Share Company, a registered holding company. Union has designated sections 9 (a) (1) and 12 (c) of the act and Rule U-42 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

Union proposes to redeem for cash on or before March 25, 1950, $1,000,000 principal amount of its 6% debentures due March 1, 1952, in accordance with the provisions thereof, at principal amount and accrued interest thereon to date fixed for such redemption. Union has presently outstanding $35,000,000 of said 6% Debentures all of which are owned by United. The Debentures are pledged and held as collateral under the provisions of the Mortgage and Deed of Trust securing United's First Mortgage Bonds. The application-declaration states that United has advised Union that United proposes to transfer the $1,000,000 principal amount to be received from Union to the Sinking Fund as the credit against current requirements in accordance with the provisions of the Mortgage and Deed of Trust securing United's First Mortgage Bonds.

Applicant-declarant requests that the Commission's order herein be issued as promptly as may be practicable and that it be effective forthwith upon the issuance thereof.

Notice is further given that any interested person may, not later than March 15, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed as follows: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after March 15, 1950, at 5:30 p. m., e. s. t., said application-declaration, as filed or as amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1888; Filed, Mar. 8, 1950; 8:50 a. m.]

[File No. 70-2329]

TEXAS UTILITIES CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 3d day of March A. D. 1950.

Texas Utilities Company ("Texas Utilities"), a registered holding company, having filed a declaration and amendments thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder regarding the following proposed transactions:

Texas Utilities proposes to issue and sell at competitive bidding, pursuant to the requirements of Rule U-50 under said act, 400,000 shares of the common stock, without par value, of Texas Utilities to underwriters or investment bankers who shall agree promptly to make a public offering thereof. The shares to be so issued and sold are a part of the authorized but unissued stock of Texas Utilities. The consideration to be received from such sale will be credited to the company's capital stock account.

Of the proceeds to be received from the sale of such stock, $6,500,000 will be invested in additional common stock of subsidiaries of Texas Utilities for the purpose of providing such subsidiaries with a portion of the funds necessary for the carrying out of their construction programs. It is stated that each such investment will be a separate transaction and that the pending declaration is not intended to cover any such transaction.

The price to be received by Texas Utilities from the sale of said stock, the offering price to the public, the fees and commissions to be paid in connection with said proposed sale and other information required to be furnished under the procedure prescribed by Rule U-50 will be furnished by an amendment.

Texas Utilities has requested that any order permitting said declaration to become effective be entered as soon as may be practicable and that it become effective upon issuance.

Said declaration having been filed on February 13, 1950, and the last amendment thereto having been filed on March 1, 1950, and notice thereof having been given in the manner and form prescribed by Rule U-23 promulgated under said act, and the Commission not having received a request for hearing within the time specified in said notice, or otherwise, and not having ordered a hearing with respect to said declaration, as amended; and

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of the act and the rules and regulations thereunder are satisfied and that no adverse findings are necessary thereunder, and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective, forthwith, subject to certain reservations of jurisdiction:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Public Utility Holding Company Act of 1935 that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that the proposed sale of common stock of Texas Utilities shall not be consummated until the results of competitive biddings have been made a matter of record in this proceeding and a further order shall have been entered by this Commission in the light of the record as so completed, which order shall contain such further terms and conditions, if any, as may then be deemed appropriate, jurisdiction being reserved for the imposition thereof.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over the payment of all counsel fees and expenses in connection with the proposed transactions, including the fees and expenses of counsel for the successful bidder.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1889; Filed, Mar. 8, 1950; 8:50 a. m.]

[File No. 70-2338]

DUQUESNE LIGHT CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of March 1950.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") by Duquesne Light Company ("Duquesne"), a public utility subsidiary of Philadelphia Company and Standard Gas and Electric Company, both registered holding companies. Duquesne has designated sections 6 (a), 6 (b), 9 (a) and 10 of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 15, 1950, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by such application-declaration which he desires to controvert or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time thereafter said application-declaration may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the office of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Duquesne is presently engaged in the construction of a new electric generating station situated on the Monongahela River, partly in Jefferson Township and partly in Union Township, Pennsylvania, and located some distance from the present electric transmission and distribution system of Duquesne. Duquesne states that the connection of said generating station to Duquesne's present system in a practical and economical manner will require construction of transmission lines through said Union Township, in which Duquesne now holds no direct charter or franchise rights.

Duquesne further states that no method is provided under Pennsylvania

law for it to enlarge its chartered territory to include the desired district in said Union Township except by the acquisition of the rights of a corporation chartered to supply electricity for light, heat and power in that district. To accomplish this result, Duquesne proposes that certain of its officers and employees, acting in its behalf and under its direction, will take the following actions:

(1) Pursuant to the laws of Pennsylvania, for the purpose of supplying electricity for light, heat and power to the public in and adjacent to a designated area in said Union Township, initiate the formation of a corporation to be known as Elrama Power Company ("Elrama"), with authorized capital stock of $5,000 divided into 50 shares of the par value of $100 each and with 10 percent of the authorized capital paid in, the cash for this purpose to be advanced by Duquesne;

(2) Obtain from the Pennsylvania Public Utility Commission approval of the incorporation of Elrama and of Elrama's right to commence utility operations and authority to issue securities for the paid in capital; and

(3) Complete the incorporation of Elrama, issuing for the paid in capital, five shares of Elrama's capital stock and taking title thereto as agents of Duquesne.

Upon formation of Elrama, Duquesne proposes to take or cause to be taken the following further actions:

(4) Offer to purchase from Elrama its franchises and all other property in exchange for all of Elrama's capital stock;

(5) Call and hold a stockholders' meeting of the stockholders of Elrama to take action upon said offer and vote Elrama's capital stock in favor of accepting said offer;

(6) Jointly with Elrama, apply to the Pennsylvania Public Utility Commission for approval of the transfer of Elrama's franchises and property to Duquesne, and effect said transfer upon receiving such approval; and

(7) Dissolve Elrama.

Duquesne proposes to pay all expenses, estimated not to exceed $500, incident to the various transactions and to charge the net cost thereof to the cost of said new electric generating station.

Duquesne states that in addition to this Commission the only commission having jurisdiction over the proposed transactions is the Pennsylvania Public Utility Commission.

Duquesne requests that the Commission's order be issued as soon as possible, that it become effective forthwith upon issuance, and that the time in which Duquesne is authorized to complete the proposed transactions be extended to six months from the date of such order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1886; Filed, Mar. 8, 1950; 8:50 a. m.]

[File No. 70-2310]

OHIO EDISON CO. AND PENNSYLVANIA POWER CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of March A. D. 1950.

Ohio Edison Company ("Ohio"), a registered holding company and a public utility company and its public utility subsidiary, Pennsylvania Power Company ("Pennsylvania"), having filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 (the "act"), particularly sections 6 (b), 9 (a), 10 and 12 (f) of the act and Rules U-43 and U-50 promulgated thereunder, with respect to the following proposed transactions:

Ohio, the holder of all the issued and outstanding $30 par value common stock of Pennsylvania, proposes to increase its investment in such common stock by the payment to Pennsylvania of $600,000 in cash. Pennsylvania proposes to further increase its common stock capital account by the transfer of $600,000 from its earned surplus account and to issue to Ohio 40,000 shares of its common stock. Prior to the issue of such additional shares, Pennsylvania proposes to increase its authorized number of shares of common stock from 200,000 to 600,000.

Pennsylvania also proposes to issue $3,000,000 principal amount of its First Mortgage Bonds, __% Series, due 1980, to be issued pursuant to and secured by Pennsylvania's present indenture dated as of November 1, 1945, as supplemented by indentures dated as of May 1, 1948, and to be dated as of March 1, 1950. The bonds will be sold pursuant to the competitive bidding requirements of Rule U-50 for a price to the company of not less than 100% nor more than 102¾% of the principal amount thereof, plus accrued interest.

In connection with the above financing Ohio proposes to record the increase in its investment in Pennsylvania by a charge to its investment account of $1,200,000 and contra credits of $600,000 to cash and $600,000 to capital surplus.

Pennsylvania will use the proceeds from the sale of the new bonds and common stock to assist it in financing its proposed construction program.

Said joint application-declaration having been filed on January 20, 1950 and amendments thereto having been filed on February 2 and February 17, 1950, and notice of such filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, other than with respect to the proposed accounting treatment by Ohio concerning its investment in Pennsylvania as to which a hearing has been scheduled; and

The Commission not having received a request for hearing within the period specified in said notice of filing or otherwise and not having ordered a hearing, except with respect to the proposed accounting treatment by Ohio concerning its investment in Pennsylvania; and

It appearing that the Pennsylvania Public Utility Commission has approved the proposed financing of Pennsylvania above outlined; and

The Commission finding with respect to all aspects of the proposed transactions, other than the proposed accounting treatment by Ohio concerning its investment in Pennsylvania, that the requirements of the applicable provisions of the act and rules and regulations promulgated thereunder are satisfied and that it is not necessary to impose any terms or conditions other than those set forth below, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the said amended joint application-declaration with respect to all aspects of the proposed transactions, other than the proposed accounting treatment by Ohio with respect to its investment in Pennsylvania, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that the said amended joint application-declaration be and the same hereby is granted and permitted to become effective forthwith, except with respect to the proposed accounting treatment by Ohio concerning its investment in Pennsylvania, subject, however, to the terms and conditions prescribed in Rule U-24 and subject to the following additional conditions:

(1) That the proposed sale of bonds of Pennsylvania shall not be consummated until the results of the competitive bidding pursuant to Rule U-50 shall have been made a matter of record herein and a further order shall have been entered with respect thereto in the light of the record so completed, which order may contain such further terms and conditions as may then be deemed appropriate.

(2) That jurisdiction be reserved with respect to all fees and expenses to be paid in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-1887; Filed, Mar. 8, 1950; 8:50 a. m.]